

Defining Gender

BACHAR JAMALI



Observation
Organisation de la Conférence Islamique
auprès des Nations Unies



Permanent Observer Mission
of the Organization of the Islamic Conference
to the United Nations

البعثة المراقبة الدائمة لمنظمة المؤتمر الإسلامي لدى الأمم المتحدة
OIC/AD-044/99
31 March 1999

As regards Mr. Bashar Jamali's experiences, which were brought to our notice by Professor Richard Wilkins' letters of 3 and 10 February, we have read your understanding of what transpired. At this stage perhaps the most prudent course of action would be to continue to monitor the situation and hope that better understanding of your letter to Professor Wilkins and hope that better understanding of the remaining tensions, and in ensuring that such future by the exercise of better coordination, efforts among all concerned.



امن مؤتمر الشباب العالمي هي لاه
يعتدي على شاب عربي «معارض»

حتى جاء ربه
الهولندية ووجد
على الأرض، ففك
ولمعت بإبلاغ
الشرطة وجميعها
الهيولندية ووجد
الديبلوماسيات
المتحدة وعدد
والسلك إلى
الأمناء و



في الوقت الذي تأسس
الأمين العام للأمم المتحدة
المتحدة كسوفي إنان قراري
العام الدولي قدام عن حرية
الصحافة والحرية لها كمناسبة
اليوم العالمي لحرية
الصحافة، لا تزال خاضعة
لنفسية الصحافة في سائر
الجيولوجيا القارية الأصل
الترجيح الجنسية المتطرفين
لغير ما يدي القراء من
شخصية
وأمر
خدا

"KICK HIM OUT!"

WHEN A MOSLEM JOURNALIST BEGAN TO EXPLAIN TO SOME YOUNG PEOPLE WHAT THE DOCUMENTS THEY WERE VOTING ON REALLY MEANT, HE WAS EXPELLED FROM THE PREMISES. A PLEA FOR FULL YOUTH REPRESENTATION

by Jane Adolphe

Approximately 132 young people from around the world gathered together in early February at the Youth Forum at the Congress Center, The Hague, discussing the day Youth Forum ran parallel to the NG...

ما يدور

في ١٩٩٩/٠١/٠١ والذي تحدث فيه عن غرائب مؤتمر هو
حسب الإسلامي فهمي هويدي الضوء على واحدة من أغرب ما جرى في
استخدام الضرب والإرهاب ضد من يحاول أن يفهم ما يدور في هذا المؤتمر.
لكن أغرب ما جرى أن شاباً سورياً اسمه بشار جمالي يدرس الدكتوراه في
بنة، ويعمل في الوقت ذاته مراسلاً لأحدى المجلات السورية. كان بمقدوره أن يقرأ
فقطرة ما جاء فيه، ومن ثم بذل جهداً لاستطلاع آراء المشاركين في محتواه، ولأن
عينهم مفتوحة جيداً، فإنهم حذروا من استطلاع آراء الوفود، وحين لم يستجب لهم
ي يقيمون فيه، في منتصف الليل، ودرجة البرودة تحت الصفر في لاهاي، ويبدو أن
تصال بالوفود ومناقشتهم. الأمر الذي أثار حفيظة فريق الدكتوراه نفس، وقد ظا
حقه حيثما اتجه، وعندما ذهب شاكياً إلى إحدى المسؤولات عن تنظيم المؤتمر
عها للتحقيق في الأمر، وإذ أحسن الشاب النظر ونهب وراها، فإنه وجد نفسه
عليه فيها أربعة من حراس الأمم المتحدة ذوي الملابس الزرقاء، وأشيعوه ضربه
الت خلالها صيحات الباحث السوري، وتم ذلك أمام اثنتين من أعضاء فر
ضريوه انتزعوا منه البطاقة الصحفية التي يحملها، وتركوه ليحمل شكواه
أثبتت أقواله ولم يعرف بالضبط الإجراء الذي ستتخذه.



A Study in Contemporary International Norms and the UN

Thesis by Bachar Adnan Al Jamali

**In fulfillment of his thesis requirement under
the Oslo University's Law Degree Program**

Candidatus Juris

Defining Gender

A Study in Contemporary International Norms and the UN

Thesis by Bachar Adnan Al Jamali

In fulfilment of his thesis requirement under
the Oslo University's Law Degree Program

Candidatus Juris

Table of Contents

Defining Gender

I. Linguistic and Dictionary Usage	1
A. Linguistic Origins of <i>Gender</i>	1
B. Dictionary Usage of <i>Gender</i>	2
II. “Gender Role” and “Gender Identity”: The Creation of Sexological and Psychoanalytical Terms	5
III. Radical Feminist Philosophy & The Reimagination of Gender	11
A. Feminism and Radical Feminism	11
B. Reimagining Gender	17
IV. United Nations Policies and the Sexual Politics of the Radical Feminist Movement	26
A. It Takes a UN	26
B. The World Health Organization’s “Complete Revolution”: The Tenth Revision of the International Classification Of Diseases (ICD-10)	28
C. WHO Knows What Gender is All About: “The Needs of Women and Men”	35
D. The Conceptual Shift from Focus on Women to Focus on Gender	37
E. A Round Table of Human Rights Treaties on Human Rights: Approaches to Women’s Health, with a Focus on Sexual and Reproductive Health Rights	39
F. The Cairo Conference on Population and Development and ICPD+5	41
G. From the “Non Definition” to the Definition of Gender	43
H. Terminology Bulletin No. 348	49
I. The Rome Conference on the Establishment of the International Criminal Court and the Definition of Gender	51
V. Appendices	
Appendix 1	61
Appendix 2	63
Appendix 3	65
Appendix 4	69
Appendix 5	73
Appendix 6	74
Appendix 7	82
Appendix 8	83
Appendix 9	84
Appendix 10	85

Defining Gender

I. Linguistic and dictionary usage¹

A. Linguistic Origins of *Gender*

Linguistic research on the origin of the word *gender* shows that its Latin origin is the word *genus* which literally means: (1) birth, decent, origin; (2) race, stock, family, house, kind or sort.²

This word was used in philosophy and logic to indicate a class or sort of things or people.³ When the Arabs translated the masterpieces of Greek philosophy and logic during the beginning of the middle ages, they incorporated this term into the Arabic language *Al-Genis* to refer to rank and class of things.⁴

¹ The results of my findings agree with John Money's Article The Conceptual Neutering of Gender and the Criminalization of Sex. Archives of Sexual behavior, Vol.14, No.3, 1985, Money writes (p.280): "Today the term gender in idiomatic English and translation, applies to human beings in such expressions as gender role, gender identity, and gender gap. Thirty years ago, however, these expressions did not exist in any language. The standard dictionaries at the time defined gender as having only a grammatical usage, namely to refer to the sex of nouns, pronouns, adjectives and their suffixes. Only colloquially and rarely was it used to refer to the sex of the human beings."

² Dictionary of the English language, Volume I, AMS PRESS, INC. NY. 1967 (quoting Shakespeare's Othello: "Our bodies are our gardens, to the which our wills are gardeners; so if we will supply it with one *gender* of herbs, or distract it with many, the power and corrigible authority of this lies in our will."); see, also, The Canadian living Webster Encyclopedic Dictionary of the English Language, Volume 1, The English language Institute Of America, Chicago 1974

³ See Cassell's New Latin Dictionary, Funk & Wagnalls, 1959. Latin Dictionary by Charles Short, NY 1958 and ORIGINS, A short Etymological Dictionary of Modern English, NY 1966. Also, see The Oxford English Dictionary of A New English Dictionary On Historical Principles. Founded mainly on the Materials collected by The Philological Society. Volume IV: F-G. Oxford at the Clarendon Press. C.1933.

⁴ The Barnhart Consise Dictionary of Etymology, HarperCollins Publishers 1995, p.313 "Gender: n. Probably about 1350, grammatical class referring nouns and pronouns; later, referring to verbs (about 1450). The sense of kind, sort, class of individuals or things, is first recorded in 1378; all borrowed from Old French *genre*, *gender*, learned borrowing from the stem of Latin *genus* (genitive *generis*) kind, sort, gender; see *Genus*" Probably Europeans revived that

As a verb, *gender* means: (1) to beget; (2) to produce; to cause.⁵

Gender is also frequently used to grammatically classify words,⁶ to make words (usually nouns) agree, and to concord (through grammatical marking or inflection) various other words related in a sentence. In languages that manifest gender, two or more classes of nouns control variation in other parts of speech (typically pronouns and adjectives and sometimes verbs). These other parts of speech maintain a constant meaning but vary in their form according to the class of the noun that controls them in a given situation. Among modern Indo-European languages such as French, Spanish, and Italian, nouns are classified into two genders, masculine and feminine. In Russian, German, Norwegian and other languages, nouns are grouped into three genders, the third being neuter. While nouns referring to masculine or feminine beings almost always take on the logical gender in these languages, the gender assigned to most other nouns is arbitrary.⁷

B. Dictionary Usage of *Gender*

I searched eighty-two English dictionaries,⁸ to find that the first and primary definition⁹ of gender refers to a grammatical classification of words found mainly in Indo-European and Semitic languages, by which words are classified as masculine, feminine, and sometimes neuter or

word again - at the beginning of the renaissance- through reading the Arab translated Greek Philosophy.

⁵ See footnote 1, first reference.

⁶ See the Academic American Encyclopedia, Grolier Incorporated, Danbury, Connecticut 1998 defines gender by "see grammar"

⁷ See the New Encyclopedia Britannica, Volume 5, Fifteenth edition 1987.

⁸ My actual research extended beyond the eighty-two dictionaries indexed in Appendices 1 and 2. See Appendix 1 and 2.

⁹ Allan G. Johansen, in his book, *The Gender Knot, Unraveling Our Patriarchal Legacy*: Temple University Press Publication, Philadelphia 1997, p. 55-56 writes "Until 1970s or so the word 'sex' was used to refer to anything related to being female or male- as in 'sex roles' or 'sex differences' or 'sex change operation.'" Gender was about grammatical constructions, which often had nothing to do with sex" and adds "Feminists appropriated 'gender' from the realm of grammar and gave it a new meaning focused on social aspects of being female or male. In the new version of things, having a clitoris is about sex; ideas and practices about the clitoris are matters of gender" But he disagrees with the feminists regarding the necessity to use the term gender, if only because "as though sex isn't in any way social, but rather exists as a concrete biological reality that we are simply naming in an objective way"

common.¹⁰ Of the thirty-five law dictionaries¹¹ that I researched, only one included any reference to gender, scantily explaining it by “see sex.” That dictionary described the relationship between *sex* and *gender* as follows:

“Gender or sex: Despite sex in the Constitution, some in the profession prefer the old synonym gender as a general substitute for sex. Sex discrimination becomes gender discrimination; sex neutral becomes gender neutral, etc. In the increasing litigation over sex, coupled with indiscriminate usage in the ordinary language, sex and sexual are an embarrassment. But those who opt for gender rarely stand on a consistent, principled choice. They lapse into sex. In the same paragraph, they wander through gender, sex, or gender, without obvious change of sense. It is the traditional decent into word doubling and unintelligibility. Your gender is my sex. Are we talking about the same thing?”¹²

A secondary meaning for *gender* refers to its usage as an equivalent for *sex*. Stedman’s Medical Dictionary defines gender as “The anatomical sex of an individual.” The Encyclopedia & Dictionary of Medicine, Nursing, & Allied Health clearly defines gender as “sex; the category to

¹⁰For example The Australian Reference dictionary, Webster’s Seventh new Collegiate dictionary, 1971; A Dictionary of Modern English Usage, H. W. Fowler, NY.1933. “gender is a grammatical term only”. The American Heritage Dictionary Of The English Language. C.1966 “Grammar. Any set of two or more categories, such as masculine, feminine, and neuter in which words are divided according to sex, animation, psychological associations, or some other characteristic, and that determine agreement with or the selection of modifiers, referents or grammatical forms.”. The World Book Dictionary, Volume one A-K, 1984. The American Heritage ONARY Of The English language, NY 1969. The Oxford English dictionary, Second Edition 1989 “a principle of grammatical classification”. Dictionary of The English language, NY 1967. A New English Dictionary for speakers of Arabic, Great Britain 1980 “a grammatical classification of objects roughly corresponding to the two sexes and sexlessness; there are three genders used in some languages - masculine, feminine, and neuter.” See also the Webster’s Third New International Dictionary of The English language, US 1981. New Comprehensive International Dictionary of The English Language, Encyclopedic Edition, Chicago 1977. The Cadillac Modern Encyclopedia, NY. 1973 “the property of words which indicate sex”. The American Heritage Dictionary of The English Language, 3rd edition 1992 “a grammatical category used in the analysis of nouns, pronouns, adjectives, and, in some languages, verbs..” See also The Encyclopedia Americana, International Edition, Volume 12, 1994 “in grammar a means of classifying words based on characteristics such as sex (masculine, feminine, or neuter)”

¹¹ See Appendix 2.

¹²Mellinkoff’s Dictionary of American Legal Usage, by David Mellinkoff, Pofessor of Law Emeritus University of California, Los Angeles, West Publishing 1992, p.599, 266.

which an individual is assigned on the basis of sex.”¹³ Other medical dictionaries define gender as “Biology, sex; the category to which an individual is assigned on the basis of sex”¹⁴ or simply “sex.”¹⁵ The International Dictionary of Medicine and Biology defines gender as “sex, a categorical differentiation of organisms based on sex.”¹⁶ Sex is defined by the same dictionary as the “fundamental division of organisms into male and female based on genetic differences that determine the functional role of the organism in the reproductive process by which new organisms of its kind are engendered.”¹⁷

Concerning the usage of the two terms, The American Heritage Dictionary of the English Language explains

“Traditionally, gender has been used primarily to refer to the grammatical categories of “masculine,” “feminine,” and Neuter;” but in recent years the word has become well established in its use to refer to sex-based categories, as in phrases such as *gender gap* and *the politics of gender*. This usage is supported by the practice of many anthropologists, who reserve sex for reference to biological categories, **while using gender to refer to social and cultural categories**. According to this rule, one would say *The effectiveness of the medication appears to depend on the sex (not gender) of the patient*, but *In peasant societies, gender (not sex) roles are likely to become clearly defined*. This distinction is useful in

¹³ See Miller-Keane Encyclopedia &.... 5th Edition 1992. Also “1. the classification of the sex of the person into male, female, or ambivalent. 2. The specific sex of a person” according to MOSBY’S Medical Nursing & Allied Health Dictionary, 5th Edition 1998.

¹⁴ See Academic Press Dictionary of Science and Technology, Academic Press 1992.; Page 915

¹⁵ Webster’s Medical Desk Dictionary, MERRIAM-WEBSTER INC., Publishers. Springfield, Massachusetts, USA 1986. Also the MOSBY Medical Encyclopedia, 1985 defines gender as “the particular sex of a person.” And the 27th Edition of the Dorland’s illustrated Medical Dictionary 1988 “sex; the category to which an individual is assigned on the basis of sex” And Taber’s Cyclopedic Medical Dictionary, 15th Edition 1985, edited by Clayton L. Thomas, M.D., M.P.H. Consultant in Human Reproduction Department of Population Sciences. Harvard School of Public Health “The sex of an individual, i.e. male or female.

¹⁶ Encyclopedia & Dictionary of Medicine, Nursing, & Allied Health Volume II, a Wily Medical Publication 1986, p.1189

¹⁷ See Encyclopedia & Dictionary of Medicine, Nursing, & Allied Health, Volume III, p.2585

principle, but it is by no means widely observed, and considerable variation in usage occurs at all levels.”¹⁸

II. “Gender Role” and “Gender Identity”: The Creation of Sexological and Psychoanalytical Terms

“I needed a term that did not exist.”—John Money¹⁹

The term “gender role” appeared for the first time in 1955 in a report for the Johns Hopkins Hospital Bulletin entitled “Hermaphroditism, Gender and Precocity in Hyperadrenocorticism: Psychologic Findings.”²⁰ John Money reported his research of “cases of contradiction between gonadal sex and sex of rearing are tabulated together with data on endogenous hormonal sex and gender role.” He concluded that

“The term gender role is used to signify all those things that a person says or does to disclose himself or herself as having the status of a boy or man, girl or woman, respectively. It includes, but is not limited to, sexuality in the sense of eroticism. Of the seventeen people presented in the table, all but three disclosed themselves in the gender role fully concordant with their rearing though contradicted by their gonads. Gonadal structure per se proved a most unreliable prognosticator of a person’s gender role and orientation as man or woman; assigned sex proved an extremely reliable one.”²¹

Thirty-nine years later, Professor Money explained how he created the term *gender* in 1955 as he was “toiling to find order in the chaos of five years’ worth data on the psychology and sexology of hermaphroditism, for which the conceptual terminology of the day was inadequate.” He explains why:

“I could not write about the male sex role of a hermaphrodite who lacked the genitalia of a male with which to perform a male sex role even though, reared and living as a male, he was taken for granted in everyday occupational, recreational,

¹⁸ The American Heritage Dictionary of the English Language (3rd Edition, Houghton Mifflin: Boston, 1992) p. 754.

¹⁹ Quotation from professor John Money’s article: The concept of gender identity disorder in childhood and adolescence after 39 years, by John Money. Published at Journal of Sex & Medical therapy, Vol.20, No.3, Fall 1994.

²⁰ By John Money. Bull Johns Hopkins Hosp 96: 253-364, 1955.

²¹ Ibid., p. 245.

and social life as a man in a man's role. In addition, I could not follow the practice of traditional sex role psychology, and write that, like Ken, the male Barbie doll with nothing between his legs, he had a male sex role. With respect to genital, copulatory sex, the type of hermaphrodite of which I was writing was deprived a full-fledged sex role as a male. For him as for his female counterpart, **I needed a term that did not then exist. Thus "gender role" came into being.** I was able to write that he had, overall the gender role of a male, but with the an impairment limited to that segment of it that constituted the specific genital and erotic sex role of a man—and correspondingly for his female counterpart."²²

That same year Money expanded the forgoing definition of gender role as follows:

"Gender role is appraised in relation to the following: general mannerisms, deportment and demeanor; spontaneous topics of talk in unprompted conversation and casual comment; content of dreams, daydreams and fantasies; replies to oblique inquiries and projective tests; evidence of erotic practices and, finally, the person's own replies to direct inquiry."²³

Money had, in his own words

"a philosophical commitment to the principle of defining gender role phenomenologically, and also to the principle of defining it as a unitary, not a dichotomous, phenomenon, irrespective of what might be postulated regarding its determinants. As a unitary phenomenon, it is defined as belonging to oneself, within and, as manifesting itself to others, without."²⁴

Money's "gender role" began to take hold in the biomedical literature, and by the middle 1960s, the concept of gender merged with the intrapsychic concept of identity to form the new term

²² The concept of gender identity disorder in childhood and adolescence after 39 years, by John Money. Published at Journal of Sex & Medical therapy, Vol.20, No.3, Fall 1994, p.165, The Journal is adopted as the Journal of the American Academy of Clinical Sexologists. John Money, Ph. D., is Professor of Medical Psychology and Professor of pediatrics, Emiritus, Johns Hopkins University and Hospital, Baltimore, MD 21205.

²³ An examination of some basic sexual concepts: the evidence of human heraphroditism. Bull Johns Hopkins Hosp 97:310-319, 1995, p.254

²⁴ The concept of gender identity disorder in childhood and adolescence after 39 years, by John Money. Published at Journal of Sex & Medical therapy, Vol.20, No.3, Fall 1994, p.165.

“gender identity.”²⁵ However, he notes that in the process of taking hold “people adopted the word and gave it their own definition.”²⁶

The term gender identity was first proposed by Evelyn Hooker, the psychologist now famed for her pioneering studies in Los Angeles that led to the official depathologization of homosexuality.²⁷ Dr. Hooker used this term in her homosexual studies, where gender identity became assigned to clinical psychology as a psychodynamic state of being, along with other attributes of identification current in psychoanalytic theory.²⁸

In 1964 Robert Stoller proposed the concept of core gender identity,²⁹ which Stoller defined as “produced by the infant-parents relationship, by the child’s perception of its external genitalia, and by a biologic force that springs from the biologic variables of sex.”³⁰

Stoller’s book, *Sex and Gender*, represents the culmination of efforts to modify Money’s original phrase *gender role* around the alternative lifestyle. Stoller crystalized the partitioning of sex and gender—ceding sex to biology and gender to psychology and social science.³¹

²⁵ The concept of gender identity disorder in childhood and adolescence after 39 years, by John Money. Published at *Journal of Sex & Medical therapy*, Vol.20, No.3, Fall 1994, p.166.

²⁶ The Conceptual Neutering of Gender and the Criminalization of Sex, by John Money, *Archives of Sexual Behavior*, Vol.14, No.3, 1985, p. 282

²⁷ Evelyn Hooker writes “... the gay and lesbian community-- whose achievements are equal to, if not greater than, my own. It pleased me enormously that my research and my long advocacy of a scientific view of homosexuality have not only contributed to the well-being of gay men and lesbian women, but have contributed to their extended families...as well.” *Reflections of a 40 Year Exploration, A Scientific View on Homosexuality*, *American psychologist* April 1993, Vol.48, No.4, 450-453.

²⁸ The Conceptual Neutering of Gender and the Criminalization of Sex, by John Money, *Archives of Sexual Behavior*, Vol.14, No.3, 1985, p. 282

²⁹ A contribution to the study of gender identity, by Stoller R. J. 1964. *The International journal of Psycho-Analysis*, 45: 220-226.

³⁰ *Sex and Gender: On the Development of Masculinity and Femininity*, By Stoller R. J., Science House, New York 1968, pp. 29-30.

³¹ In 1968 the term gender identity appeared as follows in the Erickson Educational Foundation’s Newsletter:

A Changing Of Sex By Surgery Begun at Johns Hopkins
This New York headline Nov.21, 1966, was one of many that startled the American

The New Encyclopedia Britannica incorporated these theories in its definition of gender identity

“an individual’s self perception of being male or female, as distinguished from biological sex. . . . a secondary gender identity can be developed over the core gender identity, as sex-associated behaviors may be adopted later in life; heterosexual or homosexual orientations also develop later.”³²

In her article “Gender Identity and Its Implications for the Concepts of Masculinity and Femininity,” Janet T. Spencer writes

“Most men and women appear to be secure in their gender identity most of the time. However, new developmental tasks may create stresses that cause individuals to doubt their masculinity or femininity and struggle to affirm it. Adolescents are especially likely to question their masculinity or femininity until they prove to themselves their adequacy or their attractiveness to the opposite sex. This period is often particularly troublesome for adolescents who begin to recognize that their sexual preferences are for persons of their own sex, particularly those who have accepted the belief that homosexuality is immoral or a form of a mental illness.”

Spencer adds that the

“feeling of many heterosexuals that gay men and lesbians can not be real men or women reflects the weight that heterosexuals place on sexual orientation in asserting their own and others’ masculinity or femininity but not the value assigned to this aspect of self by homosexuals who have managed to make peace with themselves.”³³

According to Richard Green, gender identity has three interwoven components:

Public. The Gender Identity Clinic at this major medical center had quietly started work with transsexuals and related cases of Hermaphrodite and the Klinefelter syndrom. EEF helped support the committee, cooperating with John Money, PH. D, Associate Professor of Medical Psychology and Pediatrics, as well as the surgical team at Johns Hopkins. EEF Newsletter, Vol. 1, No. 1 , page 1, Spring 1968.

³² The New Encyclopedia Britannica, Volume 5, 15th Edition, Encyclopedia Britannica, Inc.1987, p.172.

³³ Psychology and Gender, Nebraska Symposium on Motivation, Volume 1984, Edited by Professor Theo. B. Sonderegger, p.84

“One’s basic conviction of being male or female (core gender identity); behaviors and attitudes that are culturally associated with masculinity and femininity (gender roles); and an individual’s preference for male or female sexual partners (psychological orientation).”³⁴

Today psychologist Russell Gray asserts that “it has become traditional to divide questions of sex from questions of gender.” He explains the Sex/Gender divide:

“Questions of sex are biological questions about chromosomes, physiology, and anatomy. Questions about gender are social questions about identity, sexual orientation, and social role.”³⁵

Professor Money deplored the partitioning of gender roles from biology and ceding it entirely to a social casting, devoid of any connection with biology and reproduction. Gender is now defined as the product of social history, with male and female roles having been more or less arbitrarily assigned on the basis of male superiority and female inferiority.

“By today’s definition gender role has thus become the intellectual product of social science and sexual politics—especially the sexual politics of the women’s movement and, to a lesser degree, of the gay liberation movement. Vested interest groups within social science and sexual politics put up a spirited defense of their intellectual property.”

And he continued to explain the strategy,

“Gender role, as defined in social science and sexual politics, is a clean term. The double entendre of the term, sex gap, if it was ever used, would be an absolute embarrassment to the politics of the gender gap. As a term gender gap has none of the genital, erotic, and breeding stigma that sex gap would have. It refers only to those present differences between men and women that pertain to play, manners, fashion, schooling, career, and legal rights. End-of-the-century society

³⁴ Sexual Identity conflict, by Richard Green, New York: Basic Books, 1974, p.xv.

³⁵ “In the Belly of the Monester”: Feminism, Developmental Systems, and Evolutionary Explanations, Article by Russell Gray, published in *Feminism and Evolutionary Biology, Boundaries, Intersections, and Frontiers*, edited by Patricia Adair Gowaty, Chapman & Hall 1997, p.404. Russell adds that “for many scientists, this division has been a very important advance in the battle against biological determinism, because it confines biological factors off into a separate realm and leaves them free to answer questions about gender at the social level. Because it is also frequently presumed that ‘biology’ is fixed and immutable, whereas social factors are almost infinitely plastic, the sex/gender divide is linked to an emphasis on the contingency and plasticity of gender.”

obviously needs the cleansed term, gender, to replace the soiled term, sex, in its political feuding for equal rights between men and women. Since the body politic is far larger than the body of sexological scientists, it is inevitable that politics will be able to preempt the term gender for its own usage.”³⁶

According to Money, those who took charge of the concept of gender “butchered” it. The first cleavage was to “separate sex from gender and to allocate sex to biology and gender to social science.” The second was “declaring gender an arbitrary construction deserving of nothing less than total destruction. Social destructionists do not hesitate to merge role with identity in their assault on gender. Everything must go.” The social constructionist/deconstructionist faction “malign[ed] the medical model of gender dysphoria faction and proclaim[ed], in effect, that all manifestations of gender identity, and with it erotic orientation, [were] the products of personal moral choice. No other causal explanation is needed. Scientific research is irrelevant. Gender identity disorder is a fiction perversely constructed by adherents of medical model. Either it does not exist, or it, too, is a moral choice. In the latter case, its prescribed treatment is moral modification therapy, which, carried to its extreme, becomes the exorcism of demons.”³⁷

And Money is not without supporters in his claims. Psychologist Shirlel Weitz adheres to Money’s concept that gender role and sex are two sides of the same coin, as she expresses the notion of their interplay

“Although many would minimize the contribution of biology in our complex technological society, it does not make sense to suppose that roles would have evolved that are entirely out of sorts with the biological predisposition, nor that they could endure for so long without any sort of biological base whatsoever.”³⁸

³⁶ The Conceptual Neutering of Gender and the Criminalization of Sex, by John Money, Archives of Sexual Behavior, Vol.14, No.3, 1985, p. 284

³⁷ The concept of gender identity disorder in childhood and adolescence after 39 years, by John Money. Published at Journal of Sex & Medical therapy, Vol.20, No.3, Fall 1994, p.167-168.

³⁸ In her book Sex Roles : Biological, Psychological, and Social Foundations, New York. Oxford University Press, 1977.

III. Radical Feminist³⁹ Philosophy & The Reimagination of Gender

A. Feminism and Radical Feminism

Conventionally, the feminist movement can be traced to the late 18th century in Europe, immediately following the French Revolution. Taking their inspiration from the Revolutionary ideals, several women's clubs were formed in Paris and other cities to promote women's rights.

In the 19th century, it was in the USA that feminism developed most, becoming a model for women's movements in other countries. American feminists organized to demand voting rights for women and the improvement of women's social and political position. The prototype feminists were the suffragettes who argued for women's right to vote and the right to own property.⁴⁰

However, feminism—as a movement concerned with equal rights for women and the removal of discriminatory laws and practices—has undergone basic changes in its ideology and consequently in its goals. The modern form of feminism that emerged in the 1960s in the wake of the American civil rights movement differs from its nineteenth century predecessor primarily over the issue of whether according women equal civil, political and economic rights suffices to provide them with equal opportunity to participate in the extra-domestic life of their societies.⁴¹

³⁹Radical Feminism is a term used in the feminist literature and discourse, see for example on the usage of this term: *Feminist Thought, A Comprehensive Introduction*, by Rosemarie Tong, West Review Press 1989, Chapter Three: Radical Feminism on Reproduction and Mothering, and Chapter Four: Radical Feminism on Gender and Sexuality, p. 71- 139. Also the term 'Lesbian Feminism' is used in the *Encyclopedia of Feminism*, by Lisa Tuttle, Facts On File Publications 1986, p180-181 from which I quote "The branch of Radical Feminism for which LESBIANISM is not simply a sexual preference or an issue of civil rights, but as a whole way of life uniquely combining the personal with the political." [Outlined in the original text] Also *The Cambridge Dictionary of Philosophy*, Cambridge University Press 1995, applies this classification "Radical Feminists believe that the fundamental causes of women's oppression are sexual" p.263. The same is offered by *The Social Science Encyclopedia*, Second edition 1966, Routledge, p 297 "Radical theorists take the view that sexuality... is the cause of women's oppression." See also *A Glossary of Feminist Theory*, Sonya Andermahr, Terry Lovell and Carol Wolkowitz 1997 assert in page 223 "it was radical feminism that was most closely associated with the emergence of Lesbian Feminism and the critique of 'compulsory heterosexuality'." See Also *Dictionary of modern political ideologies*, St. martin's Press New York 1987, p. 110- 117

⁴⁰ Key ideas in human thought, page 276-279, edited by Kenneth McLeish, England 1993.

⁴¹ Free- Market feminism, By David Conway, first published April 1998 by the IEA health and Welfare Unit.

Early feminists sought equality in the quest for equal rights. Contemporary feminism has gone far beyond lobbying for equal rights and is more concerned with how “real equality” (often defined as substantive equality) is to be achieved. For these latter feminists, equality is defined not merely as a matter of rights, equal opportunity or equal access, but is measured in terms of equal outcomes, i.e. the outcomes in the lives of adult men and women must be the same.⁴² It is therefore necessary to speak about “feminisms” rather than one vision for the reasons for women’s suppression and the means to liberate women from injustice and attain equality.

In the 1960s feminist writers started to address the oppression of women by looking at the social construction of sexuality. These writers introduced the term *gender*⁴³ in this context to affirm the socio-cultural determination of the concepts of women and men, and to assert a conception of women and men in which they were distinguished primarily by a difference of social position.⁴⁴

These second wave feminists adopted the distinction between sex and gender as formulated by psychologist Robert Stoller⁴⁵ (1968) to differentiate socio-cultural meanings (“masculinity” and “femininity”) from the biological sex differences (“male” and “female”) on which these socio-

⁴²Feminist Legal Theory. Replacing “the reasonable person” with the unreasonable feminist” by Babette Francis. The Journal of the Australian Family Association, Volume 18, No.2, August 1997.

⁴³ Lucile Duberman in her book - *Gender and Sex in Society*, Prager Publishers 1975, pp26-27- defines sex as “an ascribed social status referring to the biological differences between people. Males are born with male genitalia; females with female genitalia. Biology determines maleness and femaleness...like other ascribed statuses, it is acquired at birth and is independent of skill, effort, or ability.” she defines gender role as “the socially learned patterns of behavior that differentiate men from women in a given society. Masculinity and femininity are gender roles, acquired through one’s life time through learning, role-taking, imitation, observation, and direct instruction. They are dependent on skill, effort, and ability. A society decides what is masculine and what is feminine, and the individual interprets these decisions and applies them to him -or herself. **Gender, then, is learned behavior**, usually related to one’s sex, but sex status does not necessary determine gender role. One’s degree of proficiency in playing one’s gender role depends on how well one has been socialized, how much one seeks approval from society, and how much one’s gender performance has been reinforced with positive sanctions.” She summarizes “sex is a status ascribed at birth, whereas the gender role considered to be appropriate to a given sex status is learned just as all other roles are learned.”

⁴⁴ The Oxford Companion to philosophy, gender p.305, Oxford University Press 1995

⁴⁵ Sex and Gender: On the Development of Masculinity and Femininity, By Stoller R. J., Science House, New York 1968

cultural differences were erected.⁴⁶ The sex/gender system term was coined in 1975 by American anthropologist Gayle Rubin to describe the universal system of sexual and reproductive relations.⁴⁷ Using insights from Freud, Lacan, Marx and Levi-Strauss, Rubin argued that all societies organize the biological differences between men and women into specific social arrangements. These social arrangements, she argued, were characterized by an asymmetrical exchange—men always exchanged women, not visa versa. Rubin's theory of a sex/gender exchange system stimulated feminist thinking across disciplines—philosophy, history, literature, economics, politics, and anthropology. As a consequence, the early second wave period of feminist thought reflects a dominant tendency to minimize the differences between the sexes and privilege the concept of gender over the concept of sex. Gender began even to encroach upon biology itself as feminists accumulated argument and evidence to demonstrate that the body and its functions are formed in interaction with society and culture. At the time, few realized that the move to encompass and explain the concept of sex completely within the concept of gender would undermine the distinction itself. As Judith Butler explained

“Originally intended to dispute the biology-is-destiny formulation, the distinction between sex and gender serves the argument that whatever biological intractability sex appears to have, gender is culturally constructed: hence gender is neither the causal result of sex nor as seemingly fixed as sex. If gender is the cultural meanings that the sexed body assumes, then a gender cannot be said to follow from sex in any one way. Taken into account its logical limit, the sex/gender distinction suggests that a radical discontinuity between sexed bodies and culturally constructed genders.”⁴⁸

Feminists seemed to muddle the concepts of gender and sex in discussions of group identity and identity politics. The terms “identity” and “identity politics” cause one to focus either upon the individuals’ affirmation of common group identities or upon the deconstruction of these identities brought about when a group begins to complain of the social forces which imposed the

⁴⁶ A glossary of feminist theory, University of Warwick 1997, p.102-104

⁴⁷ Feminist Lynne Segal writes; “Homophobia, as we have seen, not only keeps all men in line while oppressing gay men; in its contempt for the ‘feminine’ in men it simultaneously expresses contempt for women. As Gayle Rubin observes, ‘The suppression of the homosexual component of human sexuality, and by corollary the oppression of homosexuals is... a product of the same system whose rules and relations oppressed women’. Segal’s book *Slow motion Changing Masculinities, Changing Men*, Rutgers University Press 1990. p. 158

⁴⁸ *Gender Trouble: Feminism and the Subversion of Identity*, by Judith Bulter, New York, Routledge, 1990, pp. 6-7

particular identity upon it.⁴⁹ Feminist discussions of identity are often characterized by their portrayal of self- and group identity as the basis of a common oppression that women suffer.⁵⁰ Feminist theory argues that society has arbitrarily linked gender-associated behavior to biological sex. Contemporary feminism's first agenda involved attempts to break down sex-role stereotyping, arguing that woman is made, not born. Patriarchal society, the argument goes, created sex roles to oppress women and keep them from preferred social activity. Feminism's solution included the propagation of preferred androgynous social personalities in order to liberate women, and also men, from "the culturally constructed cages of masculinity and femininity."⁵¹ The "linguistic turn" of the word *gender* over *sex* seemed to further the "withering away" of socio-cultural sex-based oppression.⁵²

A new form of feminism built itself up around the idea of breaking down patriarchal structures and oppression.⁵³ This new feminism, called radical feminism, became obsessed with attacking

⁴⁹ Steven G. Smith in her book *-Gender Thinking*, Temple University Press 1992, p. xxi- writes "I discovered that with the awakening to sexist injustice comes the very thought, thinkable even as one stays immersed in familiar feelings: if our sex offends us, lets pluck it out! Or since we cannot by any amount of breeding get rid of femaleness or maleness, let us do away with the stereotypes of character and behavior that have been hung on physical sex, as these are the real supports of sexism. If we can change the way we raise our children -trusting their plasticity, or their individuality, or their fundamental sameness, or some combination of these attributes- we can *abolish gender*." [emphasis hers]

⁵⁰ Feminist discussions of identity might be criticized for paying too much attention to self- and group identity, and not enough to identity as a social process. Social identity is often the result of a decentralized process of an individual's recognition and grouping, rather than the imposition of impersonal social forces. See *A glossary of feminist theory*, University of Warwick 1997, p.124

⁵¹ *Feminist Thought, A Comprehensive Introduction*, By Rosemarie Tong, Westview Press 1989, p. 31.

⁵² *A glossary of feminist theory*, University of Warwick 1997, p.102-104

⁵³ *Defining Women: Social Institutions And Gender Divisions*, edited by Linda McDowell and Rosemary Pringle, Polity Press, UK 1992, p.74, Diana Gittins writes "Patriarchal ideology is embedded in our socio-economic and political institutions, indeed, in the very language we use, and as such encourages , cajoles and pressurizes people to follow certain paths. Most of these are presented and defined in the terms of 'the family', and the family is in turn seen as the bulwark of our culture."

all forms of “patriarchy,”⁵⁴ and deconstructing metaphysical gender identities.⁵⁵ Increasingly, these feminists viewed men and women in terms of their “sexualities.”⁵⁶ They approached sexuality in relation to—sometimes even as a function of—differences (biological, social, or experimental) between historically variable gender identities, histories, or positions. As a result of their approach, many radical feminists argued that the only way to escape patriarchy is to reject heterosexuality and take on a lesbian identity.⁵⁷ Consequently, a broad “antihomophobia” movement arose out of contemporary feminism and gay and lesbian studies.⁵⁸

In her book, *The Radical Future Of Liberal Feminism*, Zillah R Eisinstein weaves the notions of patriarchal oppression and heterosexuality together very clearly:

“It is important to understand that struggles around abortion rights, pro-choice reproductive-rights planks, and lesbianism take place within a political arena that defines woman as mother in the first place. A lack of choice and alternative is necessary to maintain woman’s primary activity as child bearer and rearer. This does not mean that women cannot or do not exercise reproductive choice through infanticide, self-induced abortion, the use of contraceptives, and so forth, but

⁵⁴ Allan G. Johansen, in his book, *The Gender Knot, Unraveling Our Patriarchal Legacy*: Temple University Press Publication, Philadelphia 1997 defines patriarchy (p.61) as “men acting masculine and women acting feminine” he adds “femininity and masculinity are not what they seem. As cultural ideas that shape how we think about gender, they play a key role in keeping patriarchy going.” He adds “What is the knot that we want to unravel? In one sense it is the complexity of patriarchy as a system- the tree, from its roots to the smallest outlying twig”(p.232), this is to say deconstruct metaphysical gender identities as the components of patriarchy.

⁵⁵ See *Key ideas in human thought*, page 276-279, edited by Kenneth McLeish, England 1993.

⁵⁶ *Thinking sex: Notes for a radical theory of the politics of sexuality*, by Gayle Rubin.

⁵⁷ Allan G. Johansen, in his book, *The Gender Knot, Unraveling Our Patriarchal Legacy*: Temple University Press Publication, Philadelphia 1997, writes that the “institution of monogamous heterosexual marriage has enabled men to control women’s bodies through conjugal rights of sexual access, to keep women dependent on men (through control over land or, more recently, control over the ‘bread-winner’ role, and to ensure a clear male line of inheritance”

⁵⁸ *Encyclopedia of Aesthetics*, Oxford University Press 1998, Volume 3, p.284

ultimately in a society where one's major worth as a woman is judged as a mother, the choice is curtailed."⁵⁹

According to radical feminist theory, *sex* refers to the physical sexual characteristics, while *gender* is about socialized sexual characteristics.⁶⁰ These feminists focus on cultural variations in the construction of gender identity, and look at concepts of the body, ideas of sexuality, procreation and reproduction, seeking to prove always how gender roles are conditioned by society. Yet, they seem to fail to acknowledge any biological or physiological differences between the sexes, and how it is that biology may explain the socially constructed notions of femininity and masculinity.⁶¹ These feminists talk about the social construction of reality,⁶² and use the term *gender* in a completely different way from conventional linguistics.

Lesley J. Rogers defines gender identity in the context of radical feminism as

"the sex you feel yourself to be, regardless of your physical sex. It differs from gender role in that it is not actively expressed. Gender role is the male or female role performed in the real word."⁶³

Gender becomes "a division of women and men caused 'by the social requirements of heterosexuality, which institutionalizes male sexual dominance and female sexual submission. If this is true, sexuality is the linchpin of gender inequality.'" Further, "It is not a unitary, or 'natural' fact, but takes shape in concrete, historically changing social relationships.' The social

⁵⁹ Longman Series in Feminist Theory, 1981, p.17

⁶⁰ The Rise and Decline Of The Advisory Council On Women's Educational Equity, by Joy Simonson (NACWEP Executive Director, 1975-1982).The author is surprised that the report of the advisory council recommendations required "Additional services for women with special needs (age, race, ethnicity, class or geographic origin were listed, but not, interestingly,... **Sexual Orientation**); implying that the freedom of sexual orientation for women is part of their rights to gender equity. See also The Women's Educational Equity Act (WEEA).

⁶¹ The dangers of femininity, article by Lucy Gilbert and Paula Webster " Each infant is assigned to one or the other category on the basis of the shape and size of its genitals. Once this assignment is made we become what culture believes each of us to be- feminine or masculine. Although many people think that men and women are the natural expression of a genetic blueprint, gender is a product of human thought and culture, a social construction that creates the "true nature" of all individuals"

⁶² Sexual Meanings: The Cultural Construction of Gender and Sexuality, S. B. Ortner and Whitehead H., Cambridge, CA, 1981.

⁶³ A Feminist Dictionary, The definition of gender identity, Pandora Press 1985, p.175

regulation of sexuality 'is closely intertwined with gender.'" Gender refers to the "socially imposed dichotomy of masculine and feminine roles and character traits. Sex is physiological, while gender, in the latter usage, is cultural." Gender "Is a social construction of so thin a fabric as to demand the continual enactment to support its fiction."⁶⁴

B. Reimagining Gender

Radical feminists insist that the female personality is not determined by her anatomy and her reproductive functions. They challenge the notions of a "natural" biological gender essence:

"gender fluidity is the ability to freely and knowingly become one or many of a limitless number of genders, for any length of time, at any rate of change. Gender fluidity recognizes no borders or rules of gender."⁶⁵

The famous feminist and professor of medical science Anne Fausto-Sterling, in fact, proposed the abolition of the biological sex distinction itself:

"But why should we care if a 'woman,' defined as one who has breasts, a vagina, a uterus and ovaries and who menstruates, also have a clitoris large enough to penetrate the vagina of another woman? Why should we care if there are people whose biological equipment enables them to have sex 'naturally' with both men and women? The answers seem to lie in a cultural need to maintain clear distinctions between the sexes. . . . In as much hermaphrodites literally embody both sexes, they challenge the traditional beliefs about sexual difference: they possess the irritating ability to live sometimes as one sex and sometimes as the other, and they raise the specter of homosexuality. . . . Imagine that the sexes have multiplied beyond currently imaginable limits. It would have to be a world of shared powers. Patient and physician, parent and child, male and female, heterosexual and homosexual—all those oppositions and others would have to be dissolved as sources of division. A new ethic of medical treatment would arise, one that would permit ambiguity in a culture that had overcome sexual division."⁶⁶

⁶⁴ A Feminist Dictionary, The definition of gender identity, Pandora Press 1985, p.p.173-174

⁶⁵ Gender Outlaws: On Men and Women and the Rest of Us, by Kate Bornstein, Reutledge New York, 1994, p.52

⁶⁶ The Sciences, Published by the New York Academy of Sciences. March/April 1993 "The Five Sexes, Why male and Female are not enough" p. 24

The battle field of gender is not just about patriarchy but also about reproduction and, consequently, concepts of motherhood.⁶⁷ Fertility, family, heterosexuality as natural functions are challenged.⁶⁸ Radical feminists argue that “heterosexuality, like motherhood, needs to be recognized and studied as a political institution.”⁶⁹ Consequently, the concept of gender also challenges the universality of the marriage institution as a contractual relationship between a man and a woman. In her article “What is the family? Is it Universal?,” Diana Gittens argues that marriage “is not always a heterosexual relationship.”⁷⁰ She challenges the notion of “there being anything as ‘the family’” as one that is “highly controversial and full of ambiguities and contradictions.”⁷¹

As the radical feminist view plays itself out, the fundamental causes of women’s oppression become primarily sexual. Radical feminists believe that it is the woman’s reproductive role and/or her sexual role that causes her subordination.⁷² They feel that unless women set their own reproductive goals (childlessness is a legitimate alternative to motherhood) and their own sexual

⁶⁷ *The Reproduction of Mothering*, Berkeley, CA. By N. Chowdrow 1978.

⁶⁸“ So what do you need a man for? Babies? Think artificial insemination.” Writes Girl About Town Magazine, May 1994.

⁶⁹ *Compulsory Heterosexuality and Lesbian Existence*, Bloody bread and Poetry: selected prose, 1979-85, by Adrienne Rich, NY. W.W. Norton & Co p.35

⁷⁰ *Defining Women: Social Institutions And Gender Divisions*, edited by Linda McDowell and Rosemary Pringle, Polity Press, UK 1992, p. 69. Diana supports her hypothesis that marriage is not universally a heterosexual relationship with a claim that “among the Nuer, older women marry younger women.” She also argues (p.71) that notions of motherhood and good mothering are highly variable, since somewhere in Tahiti “the girl can decide what her relationship to her children will be, but there is no sense in which she is forced into ‘motherhood’ because of having had a baby.”

⁷¹ *Ibid.*, p. 74.

⁷² *Gender Outlaws: On Men and Women and the Rest of Us*, by Kate Bornstein, Reutledge New York, 1994. Kate Bornstein writes in p.115 “Women couldn’t be oppressed if there was no such thing as “women.” Doing away with gender is the key to the doing away with patriarchy”

agendas (heterosexuality alternatives include lesbianism,⁷³ autoeroticism, and celibacy), they will remain less than free.⁷⁴

Hence, the radical feminists attack gender stereotypes to make way for these new models and alternatives. They argue that a woman's condition is overdetermined by the structures of production, reproduction and sexuality, and the socialization of children. Women's status in all these functions must change if they are to achieve full liberation. Firestone argued that the "material" of a woman's reproductive body was as much a source of oppression as material inequality.⁷⁵ Women must take back their "material." Furthermore, women's psyches must also be transformed, coercively if necessary; women must be liberated from the kind of patriarchal thoughts that undermine their self-concept and make them always the Other.⁷⁶

Radical feminists believe "that it is necessary to change the whole existing social structure in order to achieve women's liberation."⁷⁷ They often draw from the writings of Karl Marx and Frederick Engels to identify their own oppression.⁷⁸ Marx wrote that "all history is the history of

⁷³ 'Lavender menace' is now 50% of NOW' an article by Julia Dulin, The Washington Times, National Weekly Edition, May 3-9, 1999. Reports that the National Organization for Women has convened a Lesbian rights Summit where 900 homosexual women participated. NOW President Patricia Ireland is reported to have said "maybe half" of NOW's 500,000 members are lesbians. The article reports that "Mrs. Ireland, who has a husband in Florida but a female 'partner' in Washington D.C., recently told the Washington Blade that NOW has more lesbian members than any other homosexual rights organization." The article quotes one exhibitor declaring the message behind the summit "What we're trying to get out is the message that lesbian and gay and transgendered people are everywhere." This agenda of NOW seems totally at odds with NOW's ejection in 1970 of "prominent lesbian activists" out of a concern for what founder Betty Friedan termed the 'lavender menace'

⁷⁴ The Cambridge Dictionary of Philosophy, Feminist philosophy, p.262-264. Cambridge University Press 1995.

⁷⁵ The Dialectic of Sex, New York 1970, by Shulamith Firestone. This book was listed by Ms. Magazine as among the feminist classics, and is often required reading in women studies programs.

⁷⁶ The Cambridge Dictionary of Philosophy, Feminist philosophy, Cambridge University Press 1995. P. 263

⁷⁷ By Vetterling-Braggin, Elliston and English, Totowa, NJ: Littlefield, Adams & Co., 1977, p.9

⁷⁸ One of their most quoted is Frederick Engels' book : The Origin of the Family, Private Property and the State, New York: International Publishers, 1942.

class struggle. . . . Oppressor against oppressed.” Kate Millett argues that “The great value of Engels’ contribution to the sexual revolution lay in his analysis of patriarchal marriage and family.”⁷⁹ Employing Marxism’s focus on the instruments of production, radical feminist theory concentrates on the instruments of reproduction⁸⁰ and body.⁸¹ The two theories interlink to blame capitalism and patriarchy as sources of class struggle and oppression.⁸² Radical feminists even widen the Marxist concept of production to include household labor, family relations and childcare.

Parts from the Communist Manifesto quoted by feminists shed further light on the similarities between the two theories

“All fixed, fast frozen relations, with their ancient and venerable prejudices and opinions, are swept away, all new-formed ones become antiquated before they can ossify. All that is solid melts into air, all that is holy is profaned, and man is at last compelled to face with sober senses his real conditions of life and his relations with his kind.”⁸³

In the same spirit Engels’ wrote

“In an old unpublished manuscript written by Marx and myself in 1846, I find the words: ‘the first division of labor is that between man and women for the

⁷⁹ Sexual Politics, by Kate Millett, New York: Avon, 1971, p.167. And in p.169 feminist oppression ideology turns out to be identical with the Marxist vision: “ In the subjection of female to male , Engels’ (and Marx as well) saw the historical and conceptual and prototype of all subsequent power systems, all invidious economic relations, and the fact of oppression itself”

⁸⁰ Gender, Culture, And Power. Toward a Feminist Post modern Critical Theory: Toward a Feminist Postmodern Critical Theory, by Ben Agger, Praeger publishers 1993, in p.95 the author writes “reproduction is secret production that production requires for its dominance of reproduction... This is liberating insight because it shows that ‘merely’ reproductive activities are productive in the their own right and should be valorized, claiming their share of social and economic power.”

⁸¹ The Liberation of Women, A Study of Patriarchy and Capitalism, by Robberta Hamilton, Gorge Allen &-Unwin (publishers) Ltd, 1978. In page 86 Robberta states: “For radical feminism, sexism (with its roots in human biology) not capitalism is the main enemy of women.”

⁸² Feminist theory, The Social Science Encyclopedia p.296-297, Second Edition, Reutledge 1996 , see also Feminist theory from Margin to Center, B. Hooks 1984

⁸³For Her Own Good, by Barbara Ehrenreich and Deirdre English, Garden City, NJ: Anchor Press, 1978, p.5

propagation of children.' And today I can add; The first class opposition that appears in history coincides with the development of the antagonism between man and woman in monogamous marriage, and that the first class oppression coincides with that of the female sex by the male."⁸⁴

He adds:

"the overthrow of the mother-right was the world historical defeat of the female sex. The man took command in the home also; the woman was degraded and reduced to servitude; she became the slave of his lust and a mere instrument for the production of his children."⁸⁵

Engels and the radical feminists believe that the "first condition for the liberation of the wife"⁸⁶ is the abolition of the monogamous family⁸⁷ as the fundamental economic unit of society. Engels explains:

"With the transfer of the means of production into common ownership, the single family ceases to be the economic unit of society. Private housekeeping is transformed into a social industry. The care and education of the children become a public affair; society looks after all children alike, whether they are legitimate or not. This removes all the anxiety about the 'consequences,' which today is the most essential social—moral as well economic—factor that prevents a girl from giving herself completely to the man she loves. Will not that suffice to bring

⁸⁴ Frederick Engels' book : The Origin of the Family, Private Property and the State, New York: International Publishers, 1942 p.58

⁸⁵ Frederick Engels' book : The Origin of the Family, Private Property and the State, New York: International Publishers, 1942 p.50.

⁸⁶ The Origin of the Family, Private Property and the State, p.66.

⁸⁷ The Social Reconstruction of the Feminine Character, by Sondra Faraganis, Roman & Littlefield Publishers, Inc. Second Edition 1996. The Author writes (p.72) "using the tools of genetic engineering and reproductive technology, may allow for the realization of Guare's familyless family" She is referring to a play written by John Guare, Marco Polo Sings a Solo (New York: Dramatists' Play Service, 1977) where a young man uncertain of his gender, is about to undergo a sex-change operation and deposits his sperm in a bank. The operation successfully completed, he/she arranges for a bank withdrawal so as to become impregnated by his(now her) sperm. This ultimate act of 'individualism' allows her (formally him) to be both mother and father of their infant.

about the gradual growth of unconstrained sexual intercourse and with it a more tolerant public opinion in regard to a maiden's honor and a woman's shame?"⁸⁸

In fact these ideas are so rooted in radical feminism that Ellen Herma writes

"In the late 60s, the radical young women who reclaimed the derisive term 'feminist' and made it central to their own developing political identities pinpointed the family—specifically, the Western, patriarchal, bourgeois, child-centered, and nuclear family—as the most important source of women's oppression"⁸⁹

The feminist revolution, according to this view, becomes one of total sexual liberation from the restrictions of marriage and family. For complete liberation, women must possess full and absolute control of pregnancy and birth, including unrestricted access to contraception and abortion. Establishing an "oppositional culture" where "women's refusal to marry is not simply a personal choice or question of 'lifestyle' but rather a question of political choice" since these women refuse to marry "to legitimate their sexual lives" or in order to "be able to take control of their own fertility, by choosing to have children outside of marriage."⁹⁰

Where the Marxists sought to control the means of production, the radical feminists' endeavor is to control the means of reproduction.⁹¹ Marxists sought the elimination of economic classes; the radical feminists seek the elimination of "sexual classes." Shulamith Firestone explains:

"So that just as to assure the elimination of economic classes requires the revolt of the underclass (the proletariat) and, in a contemporary dictatorship, their seizure of the means of production: *so to assure the elimination of sexual classes requires the revolt of the underclass(women) and the seizure of control of reproduction:*

⁸⁸ The Origin of the Family, Private Property and the State, p.67.

⁸⁹ Still married after all these years, an article published in Sojourner: The Women's Forum, September 1990, p.14

⁹⁰ "The Most important of All: Rethinking the family" in Segal L., What's to be Done About the Family?, Penguin and the Socialist Society, 1980, p.18

⁹¹ The Gender Knot, Unraveling Our Patriarchal Legacy, by Allan G. Johansen, Temple University Press Publication, Philadelphia 1997, Allan assert this theory " In other words, historically women have been oppressed primarily through the male control over women's labor and bodies-their sexuality and reproductive potential-especially in families. The goods women produce have been appropriated by men; women have been bought and sold in marriage arrangements between men; and control over women's sexuality and the children they bear has been a staple ingredient of patriarchal marriage."

the restoration to women of ownership of their own bodies, as well as feminine control of human fertility, including both the new technology and all the social institutions of childbearing. And just as **the end goal of socialist revolution** was not only the elimination of the economic class privilege but of the economic class distinction itself, so **the end goal of feminist revolution must be**, unlike the end goal of the first feminist movement, **not just the elimination of male privilege but of the sex distinction itself**; genital differences between human beings would no longer matter culturally.”⁹²

Consequently she argues:

“Engels did observe the original division of labor between men and women for the purposes of childbearing; that within the family. The husband was the owner, the wife the means of production; the children the labor; and that the reproduction of the human species was an important economic system distinct from the means of production”⁹³

Firestone acknowledges that “unlike economic class, sex class sprang directly from a biological reality: men and women were created different and not equally privileged,” and that “[n]atural reproductive differences between the sexes led differently to the first division of labor based on sex, which is at the origins of all further division into economic and cultural classes,” but argues that

“nature is not necessarily a ‘human value’. Humanity has begun to outgrow nature; we can no longer justify the maintenance of a discriminatory sex class system on the grounds of its origins in Nature. Indeed, if for pragmatic reasons alone it is beginning to look as if we must get rid of it”⁹⁴

The radical feminist theory becomes heavy-handed as it develops. The primary task of the “liberating” gender agenda usually includes doing away with the family structure.

“The incest taboo is now necessary in order to preserve the family; then if we did away with the family we would in effect be doing away with the repressions that mold sexuality into specific formations. All other things being equal, people

11. ⁹² The Dialectic of sex, by Shulamith Firestone, New York, Bantam Books, 1972, pp.10-

⁹³ The Dialectic of sex, page 4.

⁹⁴ The Dialectic of sex, p.8-10

might still prefer those of the opposite sex simply because it is physically more convenient”⁹⁵

Furthermore, Simone de Beauvoir and others suggest that in this new society of radical feminism the reconstruction of women’s gender roles will need to be enforced because women cannot be trusted to choose for themselves. Beauvoir argues, “No woman should be authorized to stay at home to raise her children. . . . Women should not have that choice, precisely because if there is such a choice too many women will make that one.” Alison Jagger observes that “if individual desires and interests are socially constituted. . . people may be mistaken about truth, morality or even their own interests.”⁹⁶ The coercion required to impose radical feminism upon society even extends into the political arena. Professor Elisabeth Sledzeiwski contends that real democracy is not possible without enforcing a gender quota: “Only the introduction of participation quotas imposing equal representation of the sexes in all decision-making authorities can make women’s participation in the polis effective and irreversible”⁹⁷

The issues of “gender identity” and “gender roles,” have become a juggernaut for radical feminists who hinges on the elimination of the distinction between the sexes and all gender roles.⁹⁸ Radical feminists speak of their new society in terms of equality, but they are no longer content providing women with equal rights and opportunities, such as the equal right to attend university or to apply to jobs. Equal access is not enough; radical feminists believe they have proof of discrimination (to be redressed by affirmative action ⁹⁹) when there are not as many women as men in certain jobs or in the top salary categories. In the radical feminist thought system, women must also have access to abortion on demand because a pregnancy may prevent

⁹⁵ The Dialectic of sex, p.59

⁹⁶ Both quoted by Christina Hoff Sommers, *Who stole Feminism?* New York: Simon and Schuster, 1994, in p. 256 and p.258.

⁹⁷ *Women and government: new Ways to Political Power*, by Mim Kelber; Westport, CT: Prager, 1994, p.33

⁹⁸ *Gender Identity, Where Nature and Nurture Meet*, by Mary Suarez Hamm, an article published in *The Traditional Family in Peril*, a collection of Articles on International family Issues, United Families International Publication, Third edition 1996, p.134

⁹⁹ *Feminist Legal Theory, Replacing “the reasonable person” With the unreasonable feminist*, by Babette Francis; *The Journal of The Australian Family Association*, Volume 18, No. 2, August 1997, p.35

or delay a woman going to university and a baby may be an impediment to her career. They believe that women must be made as “impregnable as men.”¹⁰⁰

Radical feminists employ the concept of *gender* to deconstruct gender stereotypes¹⁰¹ and construct new and positive gender roles for both men and women by controlling reproduction and eliminating sex distinctions. Susan Okin illustrates the vision of radical feminism’s concept of gender:

“A just future would be one without gender. In its social structures and practices, one’s sex would have no more relevance than one’s eyes color or the length of one’s toes. No assumptions would be made about “male” and “female” roles;”¹⁰²

Professor Money, the originator of the term *gender*, is alarmed by the manipulation of his original scientific term,

“the sociological definition of gender roles as an acquired product of social learning would apply quite well if human beings were robotic dolls with nothing but smooth plastic between their legs. Their sex would reside exclusively above the belt, with the anatomy below the belt being neutered zone. Then breeding would presumably take place by cloning, or parthenogenesis. Human beings, however, . . . reproduce . . . by male-female mating below the belt.”

¹⁰⁰ See Feminist Legal Theory. Replacing “the reasonable person” with the unreasonable feminist” by Babette Francis. The Journal of the Australian Family Association, Volume 18, No.2, August 1997.

¹⁰¹ Lesbian summit calls for a new brand of gay activism, Conservative News Service, In Depth, by Justin Torres, 27 April, 1999. Writer Torres reports that the lesbian Rights Summit - sponsored by the National Organization for Women (NOW) in conjunction with the more than 100 groups and held just blocks from the Capitol- was billed as a ‘feminist strategy session for lesbian and allies.’ The reporter writes “Urvashi Vaid, author of Virtual Equality and director of the Policy of the National Gay and Lesbian Task Force (NGLTF)- who reminded the attendees that ‘race, age, gender, sex, ability or other disabilities are all connected’ - called on the activists to pursue a ‘broad social agenda for economic justice and sexual freedom’ saying that ‘single identity politics is an obstacle to genuine radical social change....We have to push for opening the boundaries of gender.’ Grethe Cammemeyer an unsuccessful 1998 congressional candidate told the conference ‘We have to continue to role-model until the assumptions change- so that when that women talks to someone, instead of saying ‘husband,’ she says ‘partner,’”
<<http://www.conservativenews.org/InDepth>> Last visited April 29, 1999.

¹⁰² Justice, Gender and the Family, by Susan Okin, New York: Basic Books, 1989, p.170

Money asserts that there is a connection between what happens “below the belt” and what takes place “in the mating brain above.” He therefore criticizes the neutering of gender as a

“part of a tidal wave of antisexualism that spreads its octopus tentacles into the policies of what could become a new and dictatorial era of antisexualism.”¹⁰³

IV. United Nations Policies and the Sexual Politics of the Radical Feminist Movement

A. It Takes a UN

The radical feminist movement has realized its greatest political success in the burgeoning forum of international policy and the United Nations (UN). Under pressure from financially strong feminist NGOs¹⁰⁴ concentrated at the UN and many leading UN bureaucrats who have connections with radical feminism, the UN has restructured itself¹⁰⁵ to accommodate the

¹⁰³ The Conceptual Neutering of Gender and the Criminalization of Sex, by John Money, Archives of Sexual Behavior, Vol.14, No.3, 1985, p. 287

¹⁰⁴ Who Needs [Sex] When You Can Have [Gender]? Conflicting Discourses on Gender at Beijing, published by Feminist Review, Number 55 Spring 1997, by Sally Baden and Anne Marie Goetz who, in p 12, writes

“In part the growing importance of these NGOs in the UN conferences on women is a reflection of their relative weakness at the national level; international fora have become arenas where they can ‘leap frog’ past the boundaries of state sovereignty to propose visions of women’s liberations which national governments might not countenance - and for which there is insufficient domestic support, even from among women. As a consequence, there is a high degree of discursive familiarity between NGOs and multilaterals such as the UN on issues such as women’s rights or the meaning of ‘gender’, sometimes leaving individual states in the dark. This appears to have fanned conservative suspicions of a conspiracy by a minority of unrepresentative women in these NGOs to undermine national sovereignty and cultural self-determination.”

¹⁰⁵ California University Professor Rasha Ibrahim Disuqi writes in her article The ‘Secret’ Conferences Of the United Nations, AL-MUJTAMA’ A Magazine, (Issue No.1343) 23/3 - 5/4/1999 (Year 30);

“ What goes on in some of the Conferences convened and sponsored by the UN arises many questions .. What is the purpose of Conferences to protect women.. sexual education.. reproductive health? And other mots that are not in reality

“mainstreaming” of a “gender perspective” in all its programs and policies. This UN gender perspective is identical to that of the radical feminist movement. The radical feminist game plan often to uses “sexual identity politics” and “gender lenses” in UN conferences and programs to evolve “customary international norms and obligations” around new gender “rights” that would never otherwise gain universal recognition—rights such as “sexual orientation” and “abortion on demand.”¹⁰⁶ Once conceived at the international level, these norms become enforceable at home under the guise of international law, which every nation is obligated to observe.

Radical feminist developments in the UN have been aided by the lack of scrutiny and accountability that has accompanied that forum’s policy-making process. As a result, the UN frequently implements policies that many individual nations have rejected. Concerning an upcoming UN conference, the Wall Street Journal recently observed: “Can it be coincidence that the determined push to elevate statist solutions to the international level comes at the precise moment they have been discredited at the national one?”¹⁰⁷ The UN has become radical feminism’s favorite sounding board and bully pulpit. The following material documents the ties between the UN and radical feminism.

more than ‘ciphers’ for wicked projects that seeks to promote sexual promiscuity and abnormality, and eradicating the roots of the family, so that there is no motherhood or femininity, and even no manhood, only animal like promiscuity. Therefore words like father and husband should vanish from the dictionary, because it represents a prison for women” adding “What is the story behind the American gender feminist movement and its plans against the family?”

¹⁰⁶ Unacceptable Western Values, Editorial by Dr. Mohamed Al-Rokn, Professor Faculty of Shariah and Law, United Arab Emirates University, published by Islamic future Magazine, April 1999. Vol. XIV, No. 92. Professor Al-Rokn asserts that:

“Gender is a term that goes beyond the differentiation between male and female as the two sexes of the human kind which we do not know or acknowledge, within our religion and culture, anything else but them. Thus ‘gender’ includes the sexually disordered such as lesbians and sodomites and transsexuals. Since the term is connected with the individual’s self perception of being male or female, and not his biological sex. Therefrom arrives the urgency of this matter. We have seen in International Conferences a feverish race amongst western organizations and some western countries especially the European in imposing the term ‘Gender’ instead of the word sex which refers only to the male and female, in the context of constructing new human rights and prohibiting or criminalizing discrimination.” [My translation from Arabic]

¹⁰⁷ Feb.10, 1999. It takes a U.N.

B. The World Health Organization's "Complete Revolution"¹⁰⁸: The Tenth Revision of the International Classification Of Diseases (ICD-10)

First of all it is important to link the developments in the UN sexual agenda to the surprising change that occurred in 1992 in the World Health Organization (WHO). The tenth revision of ICD made visible the UN's policy change towards radical feminism's concept of gender and "sexual rights."¹⁰⁹ In 1992, the WHO declassified homosexuality and lesbianism from the disease category of "Sexual deviations and disorders."¹¹⁰

The change in the ICD-10 is very significant in three ways:

1. The tenth revision replaces the category of diseases "Sexual deviations and disorders" with three new categories: "F64 Gender identity disorders," "F65 Disorders of sexual preference," and "F66 Psychological and behavioral disorders associated with sexual preference and orientation."
2. Homosexuality and lesbianism are no longer classified as a disease. The international classification system indicates this radical change only by a very indirect note under the new category "F66 Psychological and behavioral disorders associated with sexual

¹⁰⁸ At the closing session of 43rd Session of the Commission on the Status of Women, New York, 1-19 March 1999, the final "PrepCom" for the Fourth World Conference on Women, Secretary-General Gertrude Mongella told the gathering of representatives of Governments and NGOs that "a revolution has begun and there is no going back. Saying that the discussions during the PrepCom revealed how far we still have left to go: "The fact is, we need a complete revolution" Press Newsletter: Women on the Move # 8. Published by United Nations (the eighth issue of Women on the Move, distributed by the Secretariat of the Fourth World Conference on Women). Mark that the gender 'revolution' comes at the very time 'sexual orientation' enters the first draft of an international Conference document.

¹⁰⁹ The International Statistical Classification of Diseases and Related Health Problems, Tenth Revision, Volume 1, World Health Organization Geneva 1992, p. 365-368.

¹¹⁰ The International Classification of Diseases, 9th revision Clinical Modification, ICD 9 CM, First edition 1978, Volume 1, page 228. Tabular List :[302 Sexual deviations and disorders, 302 Homosexual conflict disorder, Lesbianism], And 2 Volume p. 336. And the same classification is offered by the Forth Edition of ICD 9 CM, 1991 Volume 1, p.228 [302 Sexual deviations and disorders: 302.0 Ego-dystonic homosexuality: Ego-dystonic lesbianism, Homosexual conflict disorder]

preference and orientation.” The note says “Sexual orientation by itself is not to be regarded as a disorder.”¹¹¹

3. The term “sexual orientation” is introduced for the first time into the ICD, together with other terms such as “disorder of sexual preference.”

This change is so dramatic that it can be said to be the very start of the gender program, and without it there could have been no change of perspective in the UN at large. There could not have been an ideological basis for sexual orientation rights if these same practices are classified medically as “Sexual deviations and disorders.”

As a result, the UN Human Rights Committee (UNHRC) was able to come to its conclusions in *Toonen v. Australia*¹¹² where it ruled on March 31, 1994 that the right to privacy under articles 17, paragraph 1, and article 2, paragraph 1 of the International Covenant on Civil and Political Rights (ICCPR) embodies a right to homosexual sodomy, and struck down the Tasmanian anti-sodomy law. The committee ruled that the repeal of the Tasmanian Criminal Code is the only “effective remedy for Nicholas Toonen, who claimed to be a victim of violations by Australia of articles 2, paragraphs 1, 17 and 26 of the ICCPR.”

The UNHRC found that “the reference to ‘sex’ in articles 2, paragraph 1, and 26 is to be taken as including **sexual orientation**.”¹¹³ Its ruling contradicted a 1982 UNHRC ruling in a similar case.

¹¹¹ The International Statistical Classification of Diseases and Related Health Problems, Tenth Revision, Volume 1, World Health Organization Geneva 1992, p. 367.

¹¹² CCPR/C/50/D/488/1992. On the 31 of March 1994, the Human Rights Committee adopted its view under article 5, paragraph 4, of the Optional Protocol to the International Convent on Civil and Political Rights in respect of communication No. 488/1992.

¹¹³ A/CONF.177/20, Reservations and interpretative statements on the Beijing, Israel built on *Toonen v. Australia* to justify its position demanding that: “An explicit reference be made to the particular barriers faced by women because of their sexual-orientation. However, in light of the interpretation given to the words ‘other status’ by, inter alia, the United Nations Human Rights Committee, we interpret the words ‘other status’ to include sexual-orientation.”

The Committee on the Elimination of Discrimination Against Women is also currently very busy mainstreaming this gender perspective. One of its latest observations reflect if anything the very extreme of radical feminist philosophy. The Committee dictated the government of Kyrgyzstan to legalize lesbianism and “eliminate traditional stereotypes of the roles of men and women.” The Committee’s concern about “the prevalence of patriarchal culture and the continuing emphasis on the traditional roles of women exclusively as mothers and wives” must be seen in connection with committees recommendation that “lesbianism be reconceptualized as a sexual orientation and that penalties for its practice are abolished.” The Committee wants to restructure humanity it seems. If the Committee found that the “persistence of a strong patriarchal culture which emphasizes the traditional roles of women and men” in Kyrgyzstan is

In that similar case, five Finnish journalists brought a complaint against Finland, arguing that the state-controlled Finnish Broadcasting Company had interfered with their right of freedom of expression and information, protected by article 19 of the ICCPR, by imposing sanctions against participation in, or censoring, radio and television programs dealing with homosexuality. The Finish Penal Code paragraph 9 of chapter 20 criminalized acts violating sexual morality or encouraging “indecent sexual behavior between members of the same sex” and set a maximum punishment at six months imprisonment or a fine. The UNHRC agreed with the Finish government that the freedom of expression can be subjected to certain restrictions by law where it is necessary for the protection of public health or morals as provided by Article 19 (3) of the ICCPR.¹¹⁴

There can be little doubt that the tenth revision of the WHO’s ICD influenced the UNHRC’s reversal of its 1982 precedent. In fact, the UNHRC admitted *Toonen v. Australia* on November 5, 1992, the exact year ICD-10. Later statements by high ranking UN personnel indicate an integrated policy change. For example, Ms. Mary Robinson, the United Nations High Commissioner for Human Rights, argued that the freedom of sexual orientation was guaranteed by the Universal Declaration on Human Rights itself:

“The agenda set by the Declaration is surprisingly apt for these new complexities—whether they are linked to . . . discrimination on grounds of gender or on the basis of **sexual orientation**—but who could have¹¹⁵ imagined in 1948

“a hindrance to the implementation of the Convention.” and that Lesbianism should be “reconceptualized as a sexual orientation” then reconstructing human culture and religious values has become the heart of this gender ideology. Concluding Observations of the Committee on the Elimination of Discrimination Against Women: Kyrgyzstan. 27/01/99, CEDAW/C/1999/I/L.1/Add.3

¹¹⁴ The Human Rights Committee reported these conclusions to the General Assembly of the United Nations in: UN Doc. A/37/40, annex XIV, paras. 18-24.

¹¹⁵ Hadley Arkes Professor of Jurisprudence at Amherst College, is one of those most prominent American jurisprudence academics who could never have imagined this. In his Article Report from an Exotic Place, published by Crisis magazine, March 1999, p11, Professor Arkes reflects upon the statement of The High Commissioner “But with penetrating insight, she observed that the world has changed- that it is ‘more complex’ That complexity now allows us to see rights that went unchallenged in 1948, including the right not to suffer ‘discriminations on grounds of gender or on the basis of sexual orientation.’ Anyone with ordinary powers of inference can see, without strain, just where this project is heading.”

that we would use the 50th anniversary of the Declaration as an opportunity to reposition these fresh concerns and others in our order of priorities?”¹¹⁶

The introduction of classification “F64 Gender Identity Disorders” together with the normalization of homosexuality and lesbianism is not a coincidence. I explained earlier in Part II how the term *gender* was created in 1955 by professor Money and how eventually Evelyn Hooker, the psychologist who pioneered the campaign leading to the official depathologization of homosexuality, proposed the evolution of the phrase *gender identity*. Dr. Hooker used this term in her homosexual studies, where gender identity became assigned to clinical psychology as a psychodynamic state of being, along with other attributes of identification current in psychoanalytic theory. Her version of “gender identity” is synonymous with the understanding of sexual preference according to current WHO ICD-10 texts. This is clear in the definition provided for “F66.1 Egodystonic sexual orientation”: “The gender identity or sexual preference (heterosexual, homosexual, bisexual, or prepubertal) is not in doubt, but the individual wishes it were different because of associated psychological and behavioral disorders, and may seek treatment in order to change it,” and even clearer under “F66.2 sexual relationship disorder”: “The gender identity or sexual orientation (heterosexual, homosexual, or bisexual) is responsible for difficulties in forming or maintaining a relationship with a sexual partner.” (Mark the use of the sex neuter term “partner.”) Add to the previous categories that of “F66.0 Sexual maturation disorder” where “The patient suffers from uncertainty about his or gender identity or sexual orientation, which causes anxiety or depression. Most commonly this occurs in adolescents who are not certain whether they are homosexual, heterosexual or bisexual in orientation, or in individuals who, after a period of apparently stable sexual orientation (often within a longstanding relationship), find that their sexual orientation is changing.”

What the WHO should realize about the change in ICD-10:

1. The new classification not only normalizes what a year before was “Sexual deviations and disorders,” it creates new disorders that only treat one’s uncertainty about gender

¹¹⁶ Mary Robinson, The Universal Declaration of Human Rights: A living document, (last visited Mar. 22, 1999) <<http://www.unhchr.ch/html/menu2/3/e/980127.htm>> (statement of Mrs. Mary Robinson, United Nations High Commissioner for Human Rights at the Symposium on Human Rights in the Asia-Pacific Region, United Nations university, Tokyo, Japan, Jan.27, 1998).

A member of the Human Rights Committee, Elizabeth Evatt, declared that “intolerance of homosexuality was a clear case of discrimination and inequality. It fell clearly within the scope of human rights protection and there should be no debate or controversy.”

Press Release NGO/307 PI/1080, DPI/NGO Conference Examines Universality of Human rights in Context of Diverse Cultures, DPI/NGO Annual Conference - 1a - Press Release NGO/307 PM Meeting PI/1080 14 September 1998 by consensus and cooperation (lasted visited Mar 22, 1999) <<http://www.un.org/News/Press/docs/1998/19980914.ngo307.html>>.

identity or sexual preference. If an adolescent is not sure whether he is “homosexual, heterosexual, or bisexual in orientation” (note the chronology between the different identities, heterosexuality is in the middle, no longer the absolute norm but one alternative amongst others), he is suffering from “F66.0 Sexual maturation disorder.” Thus by normalizing homosexual behavior, the WHO has called into question the regularity of abstinence, monogamy, and heterosexuality. It is in this light that the technical paper on Gender and Health which is produced by WHO must be read when it asserts **“Heterosexual encounters are not simply natural and instinctive events. They are socially shaped with certain modes of behavior seen as appropriate for each sex.”**¹¹⁷

2. By replacing the category of “Sexual deviations and disorders” with new categories, the WHO has created different but equal gender identities available to the human being, and made it normal to interchange them. The new “disease” created by the WHO happens only when one is “in doubt” (F66.1), when one is “having difficulties in forming or maintaining” his gender identity” (F66.2), or when one suffers from uncertainty about his “gender identity” (F66.0).
3. These different and interchangeable gender identities created by the WHO for the two sexes presupposes that there are five different types of normal genders. These include: heterosexual male, heterosexual female, homosexual male, homosexual female, bisexual. That number could become six categories of different genders if the WHO chooses to include transgendered as a type of normal gender. Currently, the ICD-10 classifies transgenderism under “F64 Gender identity disorders” (see F64.0 Transsexualism.)

The WHO ICD-10 should encourage us to ask many questions. If “sexual orientation by itself is not to be regarded as a disorder,” then why shouldn’t Fetishism, Fetishistic transvestism, Exhibitionism, and other “sexual preferences” be normalized as well? Why was ICD-9’s “302.1 Zoophilia” left off the list of disorders under ICD-10? ICD-10 merely referred to zoophilia by the less judgmental words “sexual activity with animals” under a new classification “F65.8 Other disorders of sexual preference.” What will happen if some psychologist tells us in a couple of years that animals do in fact enjoy sex with humans and thus “sexual activity”¹¹⁸ with animals is no longer a “disorder of sexual preference” at all?¹¹⁹

¹¹⁷ See *infra* text accompanying note 130.

¹¹⁸ See Appendix 3 on the term “sexual activity” in the Cairo Platform of Action and the controversy during The Hague Youth Forum on ICPD+5 on the use of the term “sexual orientation.”

¹¹⁹ Hadley Arkes Professor of Jurisprudence at Amherst College has discussed this notion saying “In its abstractness that formula of ‘sexual orientation’ could even encompass bestiality, and relations with animals.” Professor Arkes’ presentation *The Family and the Laws*, Remarks at

Are the revolutionary changes found in the ICD-10 the consequence of new medical findings that necessitated the subsequent change? Or are they the result of radical feminism's ideological and political influence, which yielded similar results in the US¹²⁰ during the 1970's?¹²¹ A study commissioned by the UN Secretary General suggests the latter. The study entitled "The Legal

The World Family Policy Forum, Brigham Young University January 15, 1999.

¹²⁰ Dr. Elizabeth Moberly, answers this question in her Review Essay: Homosexuality and the Truth, Elizabeth Moberly First Things Magazine March 1997 - Number 71: p30-33: "During the early 1970s, gay activists had made a number of disruptive demonstrations at professional meetings, placing considerable pressure on psychiatrists to revise their designation of homosexuality as a disorder treatable by psychiatry. **In 1973, the board of the American Psychiatric Association voted to change the classification of homosexuality in its Diagnostic and Statistical Manual of Mental Disorders.** The members of the APA who specialized in treating homosexuals protested the board's decision, but immediately before a general referendum on the issue, a letter went out in the name of the board, urging APA members not to reverse the board's decision. It was not known until after the vote that this letter was in fact written and paid for by the National Gay Task Force, and the final tally in the referendum upheld the board's decision to reclassify homosexuality. The 1973 decision was based not on any advance in scientific or medical knowledge. It occurred instead as a result of successful gay lobbying- and a considerable body of psychological data on homosexuality was dismissed as no longer relevant."

Dr. Moberly adds "One place to go for help in sorting out the good scholarship from the politically driven is Homosexuality and the Politics of Truth, by psychiatrist Jeffrey Satinover. Satinover wisely distinguishes his reaction to homosexual politics from his reaction to homosexuals, who require compassion in their emotional pain and their loneliness. In gay politics, however, Satinover sees 'disregard for others and disregard for the truth.' He asserts that 'too often gay activism follows the dictum that desired ends justify all means,' as even conscientious disagreement with the claims and tactics used by gay activists is dismissed as 'homophobia.'" Also available on the web:< <http://www.firstthings.com/ftissues/ft9703/moberly.html>> (last visited 15 May 1999).

¹²¹ The Conflict over the declassification of homosexuality as a disease is far from over. The American Medical Association still classifies homosexuality as a disease in American Medical Association's International Classification of Diseases 1998, Volume 2, p. 166.

and Social Problems of Sexual Minorities,”¹²² UN Doc. E/CN.4 Sub.2/1988/31, asserts the following:

“In considering three sexual minorities (homosexual, lesbians and transsexuals), we have approached the depths of human nature and have come upon the most disturbing mysteries on which scholars have been unable to shed any light. These facts are very humbling and keep us from making any hard or fast judgements. Our research brought us against one of the basic structures of every society—the distinction between the sexes. It took us into the area of sexual activity which, together with power and money, forms one of the focal points of all private and social morality, and of all ethical thinking.”

After acknowledging its hesitancy to “make any hard or fast judgments,” however, the study freely dispenses radical feminism’s social construction theory of gender, which is anything but “humbling”:

“It would be worthwhile drawing up a general strategy taking account, in particular, of the fact that many of the situations studied are encouraged, if not determined, by the attitude of society. It is likely that societies have emphasized the distinction between the sexes more than necessary to ensure a happy and fruitful family life, and has established hard and fast male and female prototypes.”

“In short a considerable effort would have to be made for the long run, through improved education and a thorough review of the conduct of the media, to eliminate the artificiality of the contrast between the sexes and promote more equality and reciprocity between them. This would bring closer that future time hoped for by Ranier Marie Rikle, when ‘love would no longer be a relationship between man and woman but a relationship between one human being with another.’”

The study commends the Sub-Commission on Prevention of Discrimination and Protection of Minorities to propose to the Commission on Human Rights to recommend Member States on the following measures:

¹²² Prepared by Jane Fernand-Laurent at the invitation of the Secretary General and submitted to the Sub-Commission on prevention of Discrimination and Protection of Minorities at its 1988 session. The citations are retrieved from The Encyclopedia of Human Rights, Second Edition, published with the cooperation of the United Nations High Commissioner for Human Rights/Centre for Human Rights, as a contribution to the United Nations Decade on Human Rights, 1995-2005, p. 1344-1349

- (a) As in the case of racism, any violence or discrimination practiced against an individual because of sexual proclivity to be made punishable by law. Norwegian law already provides for this.
- (b) All sexual practices to be tolerated between consenting adults, provided that they are practiced in private¹²³ and do not offend public decency.
- (c) A genuine transsexual who have obtained a change of sex by medical means to be entitled to a change of civil status to conform to the new identity. This is provided for by law in the Federal republic of Germany and Sweden, among others.
- (d) Sexual minorities to be authorized to form associations provided that their activities do not contravene the law on associations or other laws.

C. WHO Knows What Gender is All About: “The Needs of Women and Men”¹²⁴

The World Health Organization Gender Working Group (GWP) finalized, in May 1998, a technical paper on Gender & Health in which it acknowledged the ideological shift from women to gender:

“More recently there has been a shift from an exclusive focus on women to a focus on gender, that is, socially constructed differences and the power relations between women and men, as a detriment of health.”¹²⁵

This “shift” is more profound than it may first appear. Rather than building on previous international declarations, the WHO creates its own policy in “striking contrast with the much narrower ‘women centeredness’ of Nairobi [declaration] a decade earlier.”¹²⁶

¹²³ Regarding freedom of sexual orientation and expression as long as the sexual act is between consenting adults and conducted privately. Are we supposed to accept, tolerate or recognize sexual relationships between father and daughter, mother and son, brother and brother or brother and sister if both parties are consenting adults and the acts are performed behind closed doors. If the answer is no, then why not? Taking into consideration the definition, the answer, theoretically, should be yes. This only indicates that moral guidelines and ethics must exist to direct and safeguard this very important factor in personal and social life.

¹²⁴ Quotation from: Gender & Health: Technical Paper, WHO/FRH/WHO/98.16, Distr: General, English Only. A Formal Publication of The World Health Organization (WHO), 1998, p.47

¹²⁵ Gender & Health: Technical Paper, WHO/FRH/WHO/98.16, Distr: General, English Only. A Formal Publication of The World Health Organization (WHO), 1998, p.5

¹²⁶ Gender & Health: p.9

The WHO incorporates the feminist theory of social constructionism into its policies and programs,¹²⁷ defining gender as “the socially defined characteristics that different cultures assign to those individuals defined as female and those individuals assigned as male.” Gender “refers to women’s and men’s roles and responsibilities that are socially determined. Gender is related to how we are perceived and expected to think and act as women and men because of the way society is organized, not because of our biological differences.” The WHO defines sex as “Genetic/physiological or biological characteristics of a person which indicates whether one is female or male.”¹²⁸

This radical shift in policy expands what was traditionally an area of women’s concerns and seeks to “identify the ways in which gender stereotyping may damage men... also identify those areas where men’s health may be put at risk by the ways in which gender roles are currently constructed.” Surprisingly, the only example (in 79 pages of study) that the WHO can provide of the damage that this alleged stereotyping will lead to is the expectation placed on men to be breadwinner. Personally, I have never met a man who feels “damaged” by the expectation that he will provide for the economic well fare for his family. It is like saying that students suffer from stereotyping because they are expected to do their homework. Some students will inevitably “feel obliged to work extremely long hours with resulting damage to their physical and mental health,”¹²⁹ but what good does it do to lay the blame for that damage on constructed social roles?

The WHO decries the neglect that has been given to the gender issues of the HIV virus, that the international community has “avoided addressing the gender issues in sexual relations.” The problem, it seems, is that the community has not addressed sexual relations such as homosexuality and prostitution.

The WHO finds that the increase of HIV-infected women is “a consequence of the social constructions of female and male sexuality as well as the profound inequalities that continue to characterize many heterosexual relationships.” Surprisingly, the WHO takes the opportunity presented by HIV issues to assert that “Heterosexual encounters are not simply natural and instinctive events. They are socially shaped with certain modes of behavior seen as appropriate for each sex... Some men find it difficult to conform to this stereotype of masculinity and may

¹²⁷ The feminist thought is so incorporated in the report, “All societies operate with a set of moral beliefs about the nature of women and men, the purposes of sexual activity and the meaning of parenthood or family life. As a result many women find themselves locked into complex webs of duties and obligations which may severely limit their ability to make autonomous decisions that are central to their future lives.” or “constraining their ability to make fully informed choices about sexual practices or about fertility control.” Gender&Health p.35

¹²⁸ Gender&Health: p.10-11

¹²⁹ Gender & Health p12-13

themselves feel damaged by their failure to match up to expectations.” The WHO observes that “Many women find the heterosexual relationship a difficult one in which to negotiate a strategy for their own safety. In many societies sex continues to be defined in terms of male desire with women the relatively passive recipients of male passions... women might find it difficult to articulate their own needs and desires and their own pleasure.” It appears as if WHO has identified heterosexuality as the “constraints imposed by gender stereotyping on each sex.”¹³⁰

Following the logic of WHO—that heterosexuality is socially constructed and thus can be modified—is in itself a high risk behavior. Rather than admitting to the fact that the high risk behavior is sexual promiscuity itself, the WHO argues that “in order to fully understand the gender implications, questions need to be asked such as which gender roles for women and men need to be strengthened/modified for prevention.”¹³¹ Asserting that “the roles are rooted in rational responses to a lifestyle no longer adapted to the forces of social change sweeping the world,”¹³² the WHO leaves many wondering what other forms/modifications of gender roles other than heterosexuality it may find appropriate in the alternative.¹³³

D. The Conceptual Shift from Focus on Women to Focus on Gender¹³⁴

¹³⁰ Gender&Health pp.21-31

¹³¹ Garcia-Moreno, C. (1996) *Presentation on Women's Health and Development*, Report of the Second Meeting of Interested Parties, 17-18 June 1996 (unpublished paper available on request from Women's Health and Development, World Health Organization Geneva), cited in page 25 in Health&Gender.

¹³² Gender&Health p.32

¹³³ The Gender&Health: Technical Paper relied mainly on Feminist Literature and Pro-homosexual rights study sources as the Bibliography of the Paper clearly shows, see p. 63 and 73. Examples of these: *The Cultural Construction of Sexuality*, Edited by Pat Caplan, Tavistock Publications 1987; *Slow Motion Changing Masculinities, Changing Men*, Lynn Segal, Rutgers University Press 1990. Illustrative quotations from these two books are provided in Appendix 4.

¹³⁴ Be Ware of Attempts to Impose Unacceptable Western Values, Article by Dr. M. A. Al-Rokn, Professor Faculty of Shariah and Law, United Arab Emirates University, published by AL-Emirates Newspaper, issue 7176, Jan. 11, 1999 . Professor Al-Rokn notes “Women’s issues, and all that relates to it beginning with work, the relationship with man and raising children, and the appropriate role in society, is looked upon through these International Conferences from a western viewpoint and analysis derived from their universities and research centers, which is has no bonds with other than the western culture, being ignorant or ignoring other cultures’ origins and concepts. And this is also the case with development and population issues and human rights and other problems which are connected with anthropological and sociological sciences which allows, in fact provides essentially, for variation and diversity and disagreement in opinions and

A “world turned upside down” is how the United Nations International Research And Training Institute for The Advancement Of Women (INSTRAW) introduces the concept of gender:

“Imagine, just for a moment, that you woke up one day to a world turned upside down, a world where childcare facilities are located at Dad’s workplace, where fertility statistics record average child per male, where mothers ask sons to clean up spills and daughters to change light bulbs, where the evening TV news shows not a room full of grey suits but of floral-patterned ones when the leaders of industry meet.”¹³⁵

INSRAW applies the radical feminist theory when it defines gender as

“a concept that refers to a system of roles and relationships between women and men that are determined not by biology but the social, political and economic context. One’s natural sex is natural given ; gender is constructed... gender can be seen as the ...process by which individuals who are born into biological categories of male and female become the social categories of women and men through the acquisition of locally defined attributes of masculinity and femininity.”

This concept challenges any “assumptions about men’s and women’s social roles”¹³⁶ and calls for initiating a process of renegotiating “the boundaries between the natural—and hence relatively transformable.” INSTRAW assumes that the biological distinction between men and women has led society to assign them “often arbitrary, different roles based on their sex.” These roles are the ways of being and interacting as women and men that are shaped “by history, ideology, culture, religion, and economic development.” Insisting that gender roles are “learned,” INSTRAW seems to suggest a necessity in discharging them—gender fluidity is the solution.¹³⁷ The Institution asserts, “Characteristics like long hair, considered feminine in one era, might be

theories towards it, contrary to the abstract natural sciences” [My translation from Arabic]

¹³⁵ Gender Concepts In Development Planning, Basic Approach, A Pamphlet by the United Nations International Research And Training Institute for The Advancement Of Women(INSTRAW), Printed at INSRAW July 1995. P.7

¹³⁶ INSTRAW p.30- 31

¹³⁷

“gender relations are dynamic. They do not evolve at a determined pace nor in a uniform direction” and the goal of the gender strategy is “to bring about positive change, to move forward to a time when booklets like this will be viewed as an anachronism, because all people will have the opportunity to become not what society, or one sector of it, determines they should, but the women and men they choose to be” INSTRAW, p. 32

viewed as masculine in another.”¹³⁸ And with this comes the theory that “Women are born, Gender is made,” and that “the process of gender construction . . . is a process of the subordination of women as a gender.” The cause of this subordination is that women “are largely defined as mothers, often overriding consideration of their needs as individuals.”¹³⁹ INSTRAW suggests a remedy to eliminate this subordination brought about by motherhood: abortion on demand. The reproductive dimension of gender makes “visible the linkages between tasks associated with production and reproduction.”¹⁴⁰ Full recognition of the process of gender construction requires the ensuring of “freedom of reproductive choice.”¹⁴¹

On the other hand this gender perspective seems hostile to programs meeting the practical needs of women as mothers since these programs “can reinforce the patterns that perpetuate inequalities... policies and programs implemented to improve maternal conditions alone may not only fail to achieve that objective but may perversely worsen the position of women.”¹⁴²

E. A Round Table of Human Rights Treaties on Human Rights: Approaches to Women’s Health, with a Focus on Sexual and Reproductive Health Rights¹⁴³

Members of “each of the six human rights treaty bodies, persons working with women’s reproductive and health rights drawn from United Nations specialized agencies and other United Nations bodies; and persons representing non-governmental organizations (NGOs) and academia” all met in Glen Cove, New York in December 1996 to coordinate their approach to women’s health issues. The stated goal of this Round Table was to “bring[] a gender perspective to the right to health” so that the right would include “reproductive and sexual health” and the obligation to “interpret[] the treaty norms with respect to sexual and reproductive health as human rights”¹⁴⁴

The Round Table’s report sought to articulate the framework that had been developed at previous UN Conferences for “integrating gender concerns in human rights at all levels and for addressing

¹³⁸ INSTRAW : GENDER CONCEPTS..... p. 11

¹³⁹ INSTRAW: p.18

¹⁴⁰ INSTRWA p. 26-27

¹⁴¹ INSTRAW p. 26-28

¹⁴² INSTRAW p. 27

¹⁴³ The Round Table took place from 9 to 11 December 1996 at the Harrison Conference Center in Glen Cove, New York. See Summary of Proceedings and Recommendations.

¹⁴⁴ See Round Table Summary of Proceedings. P.1

the relationship between human rights . . . , women's sexual and reproductive health." It also outlined "strategies and methods for collaboration between and among treaty bodies, other United Nations bodies and NGOs" on these issues.

The Round Table focused its discussions primarily on sexual and reproductive rights as aspects of the gender perspective, an agenda that had been defined in the Cairo Platform of Action (Cairo PoA)¹⁴⁵ and The Beijing Declaration and Platform of Action (Beijing PoA).¹⁴⁶ It concluded that paragraphs 7.2 and 7.3 of the Cairo PoA and paragraph 96 of the Beijing PoA,¹⁴⁷ read in light of other existing human rights norms, required the **"elimination of all forms of adverse discrimination and protection of diversity;"** and the **"consideration of all recognized categories of impermissible discrimination . . . and 'other statuses' such as sexual orientation, marital status"**¹⁴⁸

¹⁴⁵ Report of The international Conference on Population and Development, Cairo 5-13 September 1994, Document A/CONF.171/13

¹⁴⁶ United Nations Fourth World Conference On Women Beijing, China 4-15 September 1995, Document A/CONF.177/20

¹⁴⁷ The text of these paragraphs is provided in Appendix 5.

¹⁴⁸ Roundtable p.17- 18. See also The Report of the Conference Rapporteur- to the Conference on the International Protection of Reproductive Rights which was jointly sponsored by the Women & International Law Program at the Washington College of the American University and the Women in the Law Project of the International Human Rights Law Group- builds on the same sources as the Round Table affirming that "persecution and abuses affect the reproductive and sexual health rights and freedoms of lesbians, bisexual persons, and gay men. Particularly because one of the basic notions of this conference is to transmogrify (1) the concept of women's health from the context of women as wombs and of sick needs to a context of holistic overall well-being." p.1410. Source: 44 Am. U. L. Rev. 1389.

It is interesting to note that the concepts of sexual and reproductive health are designed to serve two purposes creating a human right to abortion and sexual orientation. No more is this evidenced than in statement by the representative of South Africa (Reservations para. 28) on the PoA,

"The South African delegation interprets paragraph 96, which reads, 'The human rights of women include their right to have control over and decide freely and responsibly on matters related to their sexuality, including sexual-and reproductive health, free of coercion, discrimination and violence', to include the right to be free from coercion, discrimination and violence based on sexual Orientation. The South African delegation wants to make it very clear that it does not want to be associated with any form of discrimination."

A/CONF.177/20, Reservations and interpretative statements on the Beijing.

The Round Table meeting pointed out that while the Cairo and Beijing Platforms of Action establish commitments

“which are technically not binding on states, the documents reflect the official consensus of the world community. As such they can be seen as contributing to the evolution of customary international law norms and obligations by clarifying the evolving meaning, or progressive development, of human rights norms as well as by indicating widely approved steps or means to further their implementation.”¹⁴⁹

The Recommendations of the Round Table encourage treaty bodies to incorporate “gender dimensions” including “the right to sexual and reproductive health.”¹⁵⁰ According to the Report of the Roundtable the ingredients in a gender-sensitive health policy would not only “address the relationship between women’s empowerment, gender relations and the family” but also integrate human rights which enable women to “control their own fertility and sexuality” the aim of which is “to enable women to make decisions about and to protect their own sexuality, fertility and reproductive goals.”¹⁵¹ The Round Table’s ultimate goal was to encourage UN human rights bodies to evolve “customary international norms and obligations” around “rights” that are not as yet universally recognized such as abortion on demand and “sexual orientation.”

F. The Cairo Conference on Population and Development and ICPD+5

Nothing is more illustrative of the interrelationship between mainstreaming the gender

¹⁴⁹ Round Table of Human Rights Treaty Bodies on human Rights Approaches to Women’s Health, with a Focus on Sexual and Reproductive Health and Rights. Summary of proceedings p.4

¹⁵⁰ Round Table p.8, recommendation 3, 4.

¹⁵¹ Round Table, p 13, Box 2

perspective¹⁵² and the sexual dimensions of this “perspective” than the Final¹⁵³ Report of the NGO Forum¹⁵⁴ on ICPD+5, a part of the follow-up conference to the 1994 Cairo Conference on Population and Development that was held in the Hague, February 1999.¹⁵⁵ That Report states:

“The ICPD Programme of Action provides a sound basis for work on sexual and reproductive health and rights. . . . Sexual rights include women’s right to bodily integrity, pleasure, the right to control and to make decisions about their sexual life, to information and education, and the right to protection of their sexual health, as well as freedom from all forms of violence, coercion, discrimination, persecution and marginalisation, including those based on marital status, **sexual orientation**, age or HIV status.”¹⁵⁶

¹⁵² It must be noted the Secretary- General Kofi Anann has made a commitment to mainstreaming a gender perspective in all policies and programs of the United Nations. See the letter dated 17 March 1997 from the Secretary- General addressed to the President of the General Assembly (A/51/825). Also, the Economic and Social Council (ECOSOC) has put forward agreed conclusions on “Mainstreaming the gender perspectives into all policies and programs in the United Nations system” in July 1997. The ECOSOC document used the term ‘gender’ in 305 different places but never defined it as a social construct “in contrast to those who are biologically determined”. Economic and Social Council Substantive session of 1997 Geneva, 30 June-25 July 1997. (E/1997/66).

¹⁵³ The NGO Forum Secretariat produced a “Background Document for the NGO Forum, Cairo plus five International Forum 6-7 February 1999. Netherlands Congress Center” From which I quote “Sexual rights include women’s right to bodily integrity, pleasure, the right to control over and make decisions about one’s sexual life...The effective promotion of these rights includes laws and their effective enforcement that prevent and **prohibit** violence and **discrimination of all types**, including violations based on **gender**, age, **marital status**, **sexual orientation**, disability **sex work** and HIV/AIDS or refugee status.” P.9-10.

¹⁵⁴ Held in the Hague, Netherlands by the UNFPA in between 6-7 February 1999.

¹⁵⁵ CHAPTER 3 RIGHTS: RHETORIC TO REALITY, Overview

¹⁵⁶ In a letter to the Organization of Islamic Conference Mr. Brian Kelly, IERD, UNFPA. The UNFPA has emphasized that “homosexuality is not mentioned in the ICPD Program of Action and has thus no place in any of the discussions in any of the various Forums.” The Organization of Islamic Conference had earlier requested the UNFPA to explain why language supporting homosexuality was included in the Hague Youth Forum Report on ICPD+5. Source OIC/AD-044/99

A background paper prepared by the UNFPA for The Hague Forum¹⁵⁷ foreshadowed the NGO Report: "The ICPD Program of Action emphasizes the incorporation of a gender perspective in the development of population programmes . . . The process was escalated considerably by the preparations for, as well as the aftermath of, the Fourth World Conference on Women held in Beijing in 1995." (P. 23, para.99-101). The UNFPA added

"It is now evident that gender relations and sexuality are intimately linked to issues such as effective use of contraceptives, unwanted pregnancy and STIs. This link is forged in a person's socialization into sexuality and gender roles...social constructions of sexuality¹⁵⁸ and gender relations are a denial of basic rights and an important determinant of reproductive and sexual ill-health." (Para 103-104)¹⁵⁹

The UNFPA is involved in funding an increasingly heated cultural battle over a controversial sexual agenda. According to John Mallon, negotiations over ICPD+5 held in New York in March 1999, broke down because of the "concerted efforts of the UNFPA and developed nations (the United States, Canada and the European Union) to push negotiations beyond the limits of the PoA language, in direct contradiction of their mission from the general Assembly." He reported how "in one incident, Bill Clinton's U.S delegation tried to have the word 'responsible' removed from the phrase 'responsible sexuality,' [but the] G-77 (the developing world) and the Holy See courageously stood against this bullying."¹⁶⁰

G. From the "non definition" to the definition of gender

The Platform For Action of the UN Fourth World Conference on Women in Beijing was on of

¹⁵⁷ A five-Year Review of Progress towards the Implementation of the Programme of Action of the International Conference on Population and Development. I should acknowledge that the UNFPA's 83 page background paper was marked, "Not For Publication or Quotation."

¹⁵⁸ Who Needs [Sex] When You Can Have [Gender]? Conflicting Discourses on Gender at Beijing, by Sally Baden and Anne Marie Goetz, published by Feminist Review, Number 55 Spring 1997, p 3-25. The authors maintain that 'Gender' understood as the social construction of sex, is a key concept for feminists working at the interface and policy.

¹⁵⁹ In his article "The World Grows Old" by John Mallon,, published by Inside The Vatican, March 1999, on the Hague Cairo Plus Five, the following heading appeared "Certain people in the UN system are determined to introduce a new world order where sexual depravity reigns supreme -and there are no children." And "The whole agenda of the UN system and all these last five years of conferences is to make abortion a universal human right - as well as every act of sexual depravity and sexual immorality- These are all to become human rights." p.80-84.

¹⁶⁰ Writes John Mallon, the editor for Inside the Vatican magazine, in his article U.N. Population Fund's Sexual Agenda published by The Oklahoman Daily, May 13, 1999.

the most highly contested international conference ever.¹⁶¹ At one point, two paragraphs of text alone generated thirty-one pages of proposed amendments. Debate over the Platform for Action became confused, delegates too often questioned the conceptual foundation and subject matter of the conference itself—the concept of gender. Confusion led to a schizophrenia, nations wondered whether the conference was about “women” or “gender”?¹⁶²

The conflict over identity began during the final preparatory committee meeting in March 1995 in New York. In response to questions about the definition of gender, the conference leadership floated the following definition: “Gender refers to the relationships between women and men based on socially defined roles that are assigned to one sex or the other.”¹⁶³

After the representative from Honduras, backed by representatives from other Catholic countries, proposed the bracketing of the word ‘gender’ throughout the text, Bella Abzug the leader of the Linkage Caucus addressed the plenary session of the conference. Abzug clearly explained that “gender” no longer meant “sex” in her definition:

“The current attempt by several member states to expunge the word ‘gender’ from the platform of action and to replace it with the word ‘sex’ is an insulting and demeaning attempt to reverse the gains made by women, to intimidate us and to block further progress. We will not be forced back into the ‘biology of destiny’ concept that seeks to define, confine and reduce women to their physical sexual characteristics. We will not let this happen . . . The meaning of the term gender has evolved as differentiated by the word ‘sex’ to express the reality that women’s and men’s roles and status are socially constructed and subject to change. In the present context, ‘gender’ recognizes the multiple roles that females fill throughout life cycles, the diversity of our needs,¹⁶⁴ concerns, abilities, life experiences

¹⁶¹ After the draft resolution was adopted, representatives of the 65 states made general and interpretative statements or expressed reservations on the Beijing Declaration and Platform for Action requesting the secretariat of the Conference to place them on record. Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995, A/CONF.177/20.

¹⁶² Who Needs [Sex] When You Can Have [Gender]? Conflicting Discourses on Gender at Beijing, by Sally Baden and Anne Marie Goetz, published by Feminist Review, Number 55 Spring 1997, p 11

¹⁶³ The Gender Agenda, Redefining Equality, by Dale O’Leary, Vital Issues Press 1997, p. 86

¹⁶⁴ To understand what Bella Abzug the leader of the Linkage Caucus had in mind as the appropriate definition of the term ‘gender’ it is necessary to study WOMEN’S LINKAGE CAUCUS Recommendations on Bracketed Text in the WCW Draft Platform for Action (May 24, 1995 A/CONF.177/L.1) July 1, 1995. The Women’s Linkage Caucus which supported : the

and aspirations—as individuals, members of families and households, and society as a whole. The concept of ‘gender’ is embedded in contemporary social, political, and legal discourse.”¹⁶⁵

The Secretariat, perhaps fueling the controversy further, proposed the following definition of gender:

“Gender is also a relative concept. Although many people use the term gender as interchangeably with sex, the two terms are quite different. Gender refers to the relationships between women and men based on socially defined roles that are assigned to one sex or the other. Men as protectors and women as protected are gender roles. So are women as nurturers and men as breadwinners. These roles can vary according to time and circumstance. There are societies where the roles are reversed.¹⁶⁶ The roles played by women and men change over time, in response to wider changes . . . However, because the roles change, gender is relative.”¹⁶⁷

When the US objected to a definition of gender which included the terms *two sexes*, the delegates began to speculate on their motives. They wondered whether the representatives of the Clinton

insertion of the words ‘sexual orientation’ in 6 different places of the draft, combines the words ‘sexual orientation’ with ‘life style’ in one place and seeks to provide special protection for ‘lesbians’ and ‘gender-based groups.’ As well as proposing to grant ‘gender-based social groups’ asylum rights. The Caucus recommendations advocate language against: ‘traditional’/ ‘religious’/ ‘cultural’/ ‘philosophical differences.’ Advocates to delete any qualification to human rights especially the term “universal”, and insists on deleting reference to maternity as a woman’s role. See Appendix 6.

¹⁶⁵ A Message from NGO Women to UN member States, the Secretariate and the Commission on the Status of Women, 4/3/95.

¹⁶⁶ During the Cairo Conference everyone took it for granted that gender was used as synonymous with sex, and there was no UN documents then which pronounced the concept of the relativist social construction of masculinity and femininity. Accumulating with the conclusion that there were societies where “the roles were reversed” Those who believe the UN have to find the place where men give birth to children and their wives provide the male and the children with bread at the time of pregnancy, during the period of delivery, or later as the child needs his mother milk. The charter of the United Nations does not give the UN or any of its organs or Conferences the mandate to reconstruct the natural or construct its alternatives.

¹⁶⁷ Sex, Gender, Equality and Equity: On the meaning of words, written by John Mathiason, The Secretariat 16 March 1995, p. 2.

administration somehow believed there were more than two sexes,¹⁶⁸ or perhaps additional genders. The connection between the Clinton's administration full support for the homosexual agenda and the refusal of the US delegation to define gender only served to solidify the suspicions of many that the purpose of the use of the term was to advance the goals of the homosexual movement internationally.¹⁶⁹

The conflict over the definition of gender was not resolved at the preparatory committee meeting in New York (PrepCom). Terms like gender, sexual and reproductive rights and sexual orientation were all bracketed. At the PrepCom's final meeting, it was announced that a contact group would be formed, chaired by the Commission Rapporteur, Ms. Selma Ashipala (Namibia), to find a common understanding of the word "gender" in the context of the Platform for Action. This contact group would meet between 15 May and 15 June in New York, and would report directly to the Conference in Beijing on 2 and 3 September.¹⁷⁰

The contact group on gender failed to define the term gender. The insistence of Western nations to define gender in such a manner as it could be construed to include sexual orientation as another socially constructed role and the persistent efforts of the developing world to define as grounded in biological sexual-identity, male or female, led the working group to agree upon "the non-definition of the term gender."¹⁷¹ The non-definition merely referred to the "common usage" of the word gender in the UN system. This compromise undermined the claim that the gender agenda was approved by the world community at Beijing. Most states understood gender to be the equivalent of sex. One has to understand that if gender had in 1995 a common usage in the

¹⁶⁸ Interesting enough when Madeline Albright stood to account before Congress- during the proceedings on "Controversies relating to the Fourth World Conference on Women." held in July and August 1995 by the Congressional Subcommittee on International Operations and Human Rights- she answered Congressman Smith question about the allegations that there was an attempt to redefine gender in the Platform of Action with : "gender has always meant two sexes count them two." Gender Identity, Where Nature and Nurture Meet, by Mary Suarez Hamm, an article published in *The Traditional Family in Peril*, a collection of Articles on International family Issues, United Families International Publication, Third edition 1996, p.141

¹⁶⁹ The Gender Agenda, Redefining Equality, by Dale O'Leary, Vital Issues Press 1997, p.92

¹⁷⁰ The official news paper of the Secretariate notes that "the term 'gender' was left pending and referred to a contact group of Member States to discuss its usage in the text.", the eighth issue of *Women on the Move*, Published by United Nations Secretariat of the Fourth World Conference on Women Division for the Advancement of Women. The News paper talks about "the gender concept of socially constructed roles of men and women"

¹⁷¹ The Report of the Contact Group on the definition of gender A/CONF.177/L.2 and Note by the Secretariat on the contact group on gender (A/CONF.177/L.2).

UN, the delegations of the various countries would not have spent the days of both the NY PrepCom and the period in between until the Beijing Conference looking for one. One might wonder, how if there was such a prevalent meaning of gender then why couldn't the working group on gender arrive at a better definition than "the non definition"?

The "non definition" was not agreed by consensus¹⁷² at the Beijing Conference.¹⁷³ When the Chair presented the report of the Contact Group on the definition of gender to the main committee for adoption, Guatemala stated that she had not agreed with the 'non definition' reached by the Contact Group, and proposed defining gender as referring male and female as the two sexes of the human being. Malta noted that the issue had been resolved in the Contact Group. The Chair accepted Malta's intervention as the opinion of the group, and closed discussion on the definition.¹⁷⁴

At the heart of the conflict over the definition of gender, delegates worried that by approving gender perspectives and rejecting "gender stereotypes" they were in effect creating a homosexual

¹⁷² Are International Organizations supposed to adopt the principle of consensus or the principle of simple majority (51%.) when deciding on major issues. How would such a declaration help the women in the world, if the majority of the states are already against it? Is this the way to approach such a sensitive (volatile) issue? The other question is should discussions cease once the chairman of the negotiation session wishes to, or should such sensitive issues be discussed and voted upon?

¹⁷³ Guatemala "interprets the concept of gender solely as female and male gender in reference to women and men and reserves its position on the interpretation of the term "lifestyle", because its meaning is not clear in these documents."

The Holy See's "Statement of interpretation of the term 'gender': In accepting that the word "gender" in this document is to be understood according to ordinary usage in the United Nations context, the Holy See associates itself with the common meaning of that word, in languages where it exists. The term 'gender' is understood by the Holy See as grounded in biological sexual-identity, male or female. Furthermore, the Platform for Action itself clearly uses the term "Both genders". The Holy See thus excludes dubious interpretations based on world views which assert that sexual-identity can be adapted indefinitely to suit new and different purposes."

The Government of Paraguay "interprets the term 'gender', which is used in the documents adopted at this Conference, as referring to both sexes, man and woman, and has incorporated this term, as defined, into its national documents.

¹⁷⁴ Earth Negotiations Bulletin, A daily report on the Fourth World Conference on Women, published by the International Institute for Sustainable Development (IISD), Vol.14 No.12 Wednesday, 6 September 1995.

right to marry and adopt.¹⁷⁵ These delegates understood that the Beijing PoA, which uses “gender” 216 times in language calling for the mainstreaming of a gender perspective, should be read in the context of the paragraphs of the draft which sought to promote sexual orientation¹⁷⁶ as a new human right, and others which redefined the family to include “various forms of the family”¹⁷⁷ that some western societies are now experimenting with, i.e. same sex partnerships.¹⁷⁸

¹⁷⁵ Gender Identity, Where Nature and Nurture Meet, by Mary Suarez Hamm, an article published in *The Traditional Family in Peril*, a collection of Articles on International family Issues, United Families International Publication, Third edition 1996, p.134-145

¹⁷⁶ The ‘Secret’ Conferences Of the United Nations, an article by California University Professor Rasha Ibrahim Dosuki, *AL-MUJTAMA’A Magazine*, (Issue No.1343) 23/3 - 5/4/1999 (Year 30) writes “The audience of ‘natural’ women were greatly horrified and surprised at the Women’s Conference in Beijing (1995) when 7000 women and youth crowded to form the biggest demonstration that the Conference has seen... and when outcries escalated ‘Lesbian Rights are Human Rights’ the rest of the participants began to realize the bare defiance of all religious values and social norms that calls for virtue and shyness. And soon after the surprise was gone when the governmental delegations discovered that the document is full with ‘bumpers’ which support moral decline and the destruction of the family.. And the suspicious document curves language texts to support ‘different forms of the family’ and ‘sexual orientation’... these suspicious terms were not included in the Arabic draft text for confusing and disguising matters for the delegations who would not have become suspicious of the wickedness of drafters of the documents and those in charge of administrating the Conferences. And it was natural that the delegations of Arabic and Islamic nations to disapprove of the suspicious document, and the Arabic and Muslim women participants and delegates held tight to what the Arabic chairwoman of one of the meetings said that no one will approve of a document that contradicts Islam.” (Translated from Arabic)

¹⁷⁷ Paragraph 29 of the Platform states “In different cultural, political and social systems, various forms of the Family exist.”. A United Nations publication that throws some light on the interrelation of the term “various forms of the family” is: *Family. Challenges for the Future*. United Nations Publications 1996 at page 36-42, the researcher finds that the various forms of the family can be sorted in 12 forms amongst these are “same gender family”

¹⁷⁸ “No nation in the world permits same-sex marriage today, However, Denmark, Norway, Sweden, Iceland and the Netherlands have all enacted legislation authorizing the formal registration of same-sex ‘domestic partnerships’ and extending to such relations essentially all of the economic and many of the noneconomic legal consequences of marriage.” writes Professor Lynn D. Wardle in his article *Legal Claims For Same-Sex Marriage: Efforts To Legitimate A Retreat From Marriage By Redefining Marriage*, *South Texas Law Review*, [Vol.39:735, 1998] Professor Wardle Adds that “The legislators of Spain, Luxembourg, Switzerland, Belgium, Germany, Italy and France have been considering domestic partnership registration bills... the new constitution of South Africa forbids discrimination on the basis of sexual orientation, and is

Even though Muslim and Catholic nations succeeded in eliminating “sexual orientation” from the Beijing declaration, the conflict it caused lasted the entire Conference. The non-definition of gender, together with the issue of sexual orientation and the existence of various forms of families exhausted the delegations who engaged each other in heated deliberations. The reservations to the Platform of Action evidence their exasperation.

H. Terminology Bulletin No. 348

The United Nations Translation and Editorial Division’s Terminology Bulletin No. 348¹⁷⁹ on Women’s issues “contains terms, expressions and titles relating to the status of women as dealt with by the United Nations, in particular at the Fourth World Conference on Women: Action for equality, Development and Peace, held in Beijing in September 1995.”¹⁸⁰ The Bulletin translates the English term *gender* into the other five official languages of the UN to mean different things.

Gender, as defined by the Bulletin in English, lacks an equivalent word in French, Spanish, Russian, Chinese, and Arabic. The Bulletin’s definition, in fact, demonstrates the systematic manipulation of the concept in the UN system. Bulletin 348 defines gender in English as “1. The sex assignment by oneself or those who raise the individual. 2. in sociological contexts, emphasizes the social and cultural, as opposed to the biological, distinctions between the sexes.”

Neither the French nor Spanish language has an equivalent term for gender as defined by the Bulletin. The Bulletin tries to compensate for its definition by providing definitions in French and Spanish. The Bulletin’s French definition defines “le sexe” as “sexe social (ou culturel); categorie sociale du sexe [psychosociologie]; identite sexuelle [construction du sexe et culturelle distincte du sexe biologique]”¹⁸¹ The definition is merely that of radical feminism, and the words “[psychosociologie]; identite sexuelle” should remind the reader of Hooker and Stoller’s reconceptualizing of gender as a sexological and psychoanalytical term as I discussed above in

believed by some to lay the foundation of same sex marriage there.” p. 736-739

¹⁷⁹ The relevant pages of the Bulletin are provided in Appendix 7.

¹⁸⁰ Document ST/CS/SER.F/348 1 August 1995 English/French/ Spanish/Russian/ Chinese/ Arabic. Produced by the UN Office of Conference and Support Services Translation and Editorial Division Documentation, References and Terminology Section, p.iii

¹⁸¹ The Harrap’s Standard French And English Dictionary, Part Two English-French 1962, defines gender in french as “1. Gram: Genre m. Common gender, genre commun. Words of common g., mots m. des deux genres; mots épicènes. 2. F: Sexe m.” So the question is where from did the Bulletin get the idea that gender could be defined as sexe social (ou culturel); categorie sociale du sexe [psychosociologie]; identite sexuelle [construction du sexe et culturelle distincte du sexe biologique]”

part II. The same can be said of the Bulletin's Spanish definition of "sexo" as "conjunto de pautas de conducta asignadas a cada sexo en las distintas sociedades."¹⁸²

To make things worse, the Bulletin's use of equivalent words to gender in Arabic, Russian and Chinese is even more misleading. The Russian¹⁸³/ Chinese¹⁸⁴/Arabic word for sex—the two sexes—does not mean *gender* as the Bulletin defines it in English, and is equally distant from the definitions the Bulletin provides for the French and Spanishs le sexe/sexo. Where the Bulletin painfully attempts to define gender/le sexe/sexo as an assigned sex or sociological phenomenon in English/French/Spanish, it misleadingly leaves the Russian, Chinese, and Arabic languages with a translated term that confines the concept of *gender* in those languages to the anatomical sex of an individual and the consequent division of the human species into male and

¹⁸² The Valazquez Spanish and English Dictionary, Chicago 1974 defines gender as "Accion du copularse", Genero is defined in English as "1. Genus, a class comprehending many species. 2. Kin, the same generical class: speaking of the relation between two or more different things. Género humano, Human nature, mankind. And The Collins Spanish- English Dictionary, HarperCollins Publishers 1993, defines género in the same way adding "d.(ling.) gender; del género masculino of the masculine gender." And defines gender as "n. (Ling.) género m." The question is again where did the Bulletin find the definition of género to mean anything like "conjunto de pautas de conducta asignadas a cada sexo en las distintas sociedades"

¹⁸³ The Bulletin defines gender in Russian using a word which means biological sex. See Oxford Russian Dictionary, English-Russian, Russian-English, Oxford University Press, 1995, p.182 "sex". Gender is defined by another word in the Dictionary which the Bulletin does not use.

¹⁸⁴ The Bulletin defines gender in Chinese by two Chinese characters which only refer to sex as can be used in the phrase "What is your sex" as evidenced by The Concise English-Chinese Dictionary, Chang Ch i ch un 1963, p. 900. The question is why did the Bulletin provide a different definition in Russian/Chinese/Arabic than the English one.

female. The Bulletin defines gender¹⁸⁵ in Arabic, for example, with a phrase which translated means: "The kind of sex (male or female); the sex of the person."¹⁸⁶

The reason for all this confusion is simple. Gender, as the radical feminists have reimagined it in the UN system,¹⁸⁷ is an artificial term they appropriated from the realm of English grammar, sexology, and psychoanalytics.¹⁸⁸ Dictionaries of the English Language do not provide a linguistic basis for the Bulletin's definition. The Bulletin's definition of gender in English is simply that reimagined by radical feminism.¹⁸⁹

I. The Rome Conference on the Establishment of the International Criminal Court and the Definition of Gender

Nations gathered in Rome, Italy from June 15 to July 17, 1998 to establish a permanent international tribunal (called the International Criminal Court or ICC) capable punishing the perpetrators of great crimes against international law—crimes like aggression, genocide, war crimes, and crimes against humanity.

¹⁸⁵ All the Arabic dictionaries that I have reviewed define gender as my research under I has shown, i.e. a grammatical classification principle. Harrap's English Dictionary for Speakers of Arabic, Lund Humphries publishers 1991, p.223 "a grammatical classification of objects roughly corresponding to the two sexes and sexlessness: there are three genders used in some languages -masculine, feminine and neuter. Al-Nibras English Arabic Dictionary, Al-Nibras Al-Arabi 1993, p.396, provides the following definition: "The sex of the person (as male or female); or as used in grammar where a noun has a masculine, feminine or neuter gender." The same definition is provided by Al-Mawrid, A modern English- Arabic Dictionary, Dar El-Ilm Lil-Mallayen, Beirut 1981.

¹⁸⁶ The translation is my own. It is possible that the lack of an equivalent definition in Arabic is simply an oversight. However, viewed under the deep controversy on the definition of gender in Beijing and Rome, and the depth of the ideological conflict between the West and the Islamic/Catholic countries on the definition this inconsistency between the English/French/Spanish definitions of Gender and the Chinese/Russian/Arabic in an official Bulletin of translation can not be accidental.

¹⁸⁷ See *supra* Part III.B.

¹⁸⁸ See *supra* Parts I & II.

¹⁸⁹ See *supra* Part III.

Article 5 of the ICC draft¹⁹⁰ statute included bracketed text that defined a crime against humanity as any “widespread or systematic attack” against “any identifiable group or collectivity” on grounds of their “[or gender]¹⁹¹ [or other similar grounds].” While the English text used the word *gender*, the Arab text used the word “Algens” which is “sex” and the French “le sex”; the Spanish, Russian and the Chinese used similar terms.¹⁹²

The English text alone used “gender”¹⁹³—a term that became the subject of many disputes during the Beijing Conference. The Arab and Islamic states, together with the Holy See delegation and

¹⁹⁰ Report of the Preparatory Committee on the Establishment of an International criminal Court. A/CONF.183/2/Add.1, 14 April 1988, Original: English.

¹⁹¹ The report of Preparatory Committee on the Establishment of the International Criminal Court, vol. 1, UN GAOR Preparatory Comm., 51st Sess., Supp. No.22, at 33, UN Doc. A/51/22 (1996) does not mention the term *gender* at all. This is the evidence that it has been inserted later in and without discussion in the English Draft. Other criteria that were mentioned included intellectuals and social, cultural, or political groups.

¹⁹² No sensible man can understand what the advocates of ‘gender justice’ had in mind to oppose the definition of gender as male and female. After all the French, Spanish, Russian, Chinese and Arabic texts of the Draft statute did not use the term *gender*, they all used the phrase ‘the two sexes’. If gender justice means anything more than the equal treatment of men and women before the law, then the gender justice concept seeks to expand the role of the court from that which deals with ‘most serious crimes’ of ‘international concern’ into a potent judicial engine for social engineering. If all the other five authentic languages of the draft used the term *sex* then why should *gender* have any meaning different than that when it is the parallel word used in the English draft. The controversy suggests if anything that the term has been there on purpose and that is why it proved so controversial to substitute it with *sex* or define it. Article 116 of the Rome statute expressly states “The original of this Statute, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic,”

¹⁹³ The Vienna Convention on The Law of Treaties, 23.5.1969, Section 3 Interpretation of Treaties, sets the general rule of interpretation in its Article 31 para.1 “A treaty shall be interpreted in good faith in accordance with the ordinary meaning to be given to the terms of the treaty in their context and in the light of its object and purpose.” The ordinary meaning to be given to the term *gender* is exactly the definition that the Arab states and the Vatican advocated for, see above Linguistic and dictionary usage of the term *gender* p. 1-4. Furthermore, the purpose of the Rome Treaty is to put an end to impunity for the perpetrators of “the most serious crimes of concern to the international community” see preamble, Rome Statute of the International Criminal Court, Preamble, A/CONF.183/9, 17 July 1998. The new trend to decriminalize anti sodomy laws in some western states, does not have the effect under International law to create a new crime against humanity that criminalizes anti sodomy laws all around the world.

other Catholic nations, expressed concern that the term gender as it has been defined in the UN system referred to “socially constructed roles” which¹⁹⁴ were “not tied to biological differences.”¹⁹⁵ They wondered aloud whether the strange word was to become a tool of radical social engineers intent upon invalidating anti-sodomy laws.¹⁹⁶ The Islamic and Arabic strategy became one of either define or delete—demanding a definition for gender or its deletion.¹⁹⁷

¹⁹⁴ In Western Societies, “socially constructed roles” include numerous “genders,” such as heterosexual male, heterosexual female, homosexual male, homosexual female, bisexual male, bisexual female and transgender (both ‘male’ and ‘female’ persons can be ‘transgendered’ by changing their genitals with surgery and hormones.

¹⁹⁵ Report of the World Social condition 1997, Commission on Social Development, E/95-15 at page 156.

¹⁹⁶ Human Rights Watch, in its World Report 1999, and under the title ‘Special Issues and Campaigns, Lesbian And Gay Rights’ state that “Discrimination against gays and lesbians continued in countries throughout the world in 1998, often resulting in arrest and imprisonment of homosexuals on charges relating directly or indirectly with their sexual orientation... to persecute or discriminate on the basis of sexual orientation is a violation of human rights” and “International human rights bodies have also declared discrimination and violence based on sexual orientation or identity to violate human rights. The European Court on Human Rights has repeatedly cited the right to privacy in condemning laws criminalizing same-sex acts between consenting adults. The UN Human Rights Committee considers sexual orientation to be protected from discrimination under international law.” Human Rights Watch attacked President Robert Mugabe of Zimbabwe who had said “If pigs and dogs don’t do it, why must human beings?” and Vice president of Zambia Christian Tembo who declared “anyone who promotes homosexual practices will be arrested” and the Zambian President Fredrick Chiluba for calling homosexuality “unbiblical” and “against human nature” Last visited at 6th May 1999
<http://www.hrw.org/hrw/worldreport99/special/gay.htm> According to Human Rights Watch World Report 1996, Events of 1995, December 1995 by Human Rights watch, p.364
“In 1994, Human Rights Watch adopted a policy opposing state-sponsored and state-tolerated violence, detention and persecution on the basis of sexual orientation, and in 1995 expanded its work on discrimination to cover discriminatory treatment of lesbians and gays.

¹⁹⁷ The Syrian Negotiator Chancellor Judge Kais Al-Sheik made a statement in the Green Room of the Conference in which he said “If you mean to say that this term ‘gender’ is synonymous with ‘sex’ so why are you so insisting not to replace them, and if they are not the same then explain to us the difference since it is your language so that we can see whether it is in accordance with the law or not.” He later asserted in a TV program “and after long formal and informal discussions they admitted that ‘gender’ includes same-sex sexual orientation. So that if someone practiced abnormal sex and was punished according to the internal law of the state, the judge becomes a criminal against humanity because he punished the abnormal due to his sexual

The conference's largest controversy enveloped delegations as the Qatar and Saudi Arabian delegations, seeking clarification, proposed replacing the English word "gender" with "sex." Intentions were bared, as the developed states of Canada,¹⁹⁸ Norway, Sweden,¹⁹⁹ the Netherlands, Germany, and other countries of the European Union told the Islamic countries that there could be no way of substituting the word "gender" with "sex." Furthermore, these developed nations refused to define the term "gender," with a definition referring to "the two sexes male and female," explaining that the term needed no definition because it appears in many U.N. documents and conference declarations.²⁰⁰ These nations conveniently ignored the historical

behavior which it becomes a right of the abnormal to perform and change according to his wishes" Citations quoted and translated from a 55 minutes program produced and directed by the Saudi Arabian Journalist Mr Adel Al-Makinzy and Bachar Jamali for Iqraa Satellite Channel, BYU Studios 14 January 1999.

¹⁹⁸ I aided Chancellor Judge Kais Al Sheik, as his personal interpreter during informal talks between Syria and Canada and other European countries. During a discussion regarding gender between the Syrian and Egyptian negotiators and the Canadian, I insisted, on behalf of the Syrian diplomat, that the Canadian diplomat tells us candidly whether gender has anything to do with sexual orientation or not, affirming to him that Syria will not change its mind without knowing the truth, the Canadian delegate did not deny that the purpose behind the non definition of term gender was to include sexual orientation.

¹⁹⁹ As a representative of the European Law Students' Association (ELSA) for the whole Rome Conference, I approached a Swedish Delegate with the following question: "If you intend to criminalize laws prohibiting homosexual activities by using the term 'gender' in the definition of crimes against humanity, why do you go about it quietly? Why don't you say that this is what you want and be honest about it? After all, if you are negotiating a contract, the conditions of the contract should be known by everyone. It is neither fair nor honest to have language of that kind in a treaty." The Swedish Delegate could not refute my arguments. I guess he did not have the choice himself. I had a similar private conversation with another Scandinavian diplomat and his answer was something to the effect that the policies of their countries oblige them to promote homosexual rights as international human rights throughout international law.

²⁰⁰ Human Rights World report 1999, events 1998 asserts "due in large to the tireless advocacy of the Women's Caucus for Gender Justice and the stalwart support of Canada ...the term "gender" which has been under attack by the Vatican and a group of Arab league countries was preserved. Despite widespread usage of the term 'gender' by the United Nations for at least fifteen years, The Syrian delegate, speaking on behalf of his group of states, insisted that the concept of gender threatened the very existence civilization by challenging the concept that disparate treatment was not justified based on biological differences." Last visited at 6th May 1999 <<http://www.hrw.org/hrw/worldreport99/special/gay.htm>> This report is faulty because it was not a small group that opposed the term gender, it was a group of at least 30 states, the term gender was not preserved, it was defined to mean the two sexes, also the UN has not been widely

non-resolution of gender at the Beijing Conference. They perhaps forgot (unlike their Arab, Islamic, and Catholic counterparts) that the special committee established at Beijing to derive a consensus definition of the term "gender" failed to provide any resolution of the issue because Western countries pushed for a definition that defined gender as referring to something beyond male and female.

The Arabic delegates were startled by the intensity of the opposition they received from the western countries.²⁰¹ Western opposition, however, merely solidified the Arabic resolve. Qatar, Saudi Arabia, Syria,²⁰² Bahrain, Emirates, Kuwait, Sudan and other Islamic and Arabic

using the term for 15 years, I have systematically proven above that the conceptual shift from women to gender only started five years ago, for example in May 1998 a technical paper on Gender & Health was published by WHO in which this ideology shift is acknowledged " More recently there has been a shift from an exclusive focus on women to a focus on gender, that is, socially constructed differences and the power relations between women and men." Furthermore, the Syrian delegate Chancellor Judge Kasi Alsheik was merely defending women's rights to special treatment and care as under pregnancy and birth labor, he was manifesting the truth about certain inalienable rights that women need to have because of their biological reproductive functions and motherhood. Human Rights Watch World Report 1999 criticizes the US failed to defend "gender Justice" The Human Rights Watch thinks this is "a stance starkly at odds with stated US support for ending impunity for crimes of sexual and gender violence" One of the examples given is that "members of Congress did raise their voices to condemn violence against women in all its forms... and pledged to spotlight and respond to violence and discrimination that targets women and men because of their sexual orientation." Human Rights Watch dissatisfaction with the definition of gender as male and female is clearly because the purpose of the definition was to exclude any notion that gender had anything to do with sexual orientation. Human Rights Watch is in its own words promoting the homosexual cause.

²⁰¹ A Canadian representative asserted that, although Article 20 would invalidate domestic laws (including marital laws) that differentiated on the basis of sexual orientation, opposition to this outcome was the result of mere "bigotry." An angry Islamic and Catholic response to this Canadian assertion resulted in the Chairman halting all debate for that day. See The United Nations Diplomatic Conference on the Establishment of an International Criminal Court, an article by Richard G. Wilkins, p.11, to be requested from the JRCB law school.

²⁰² Hadely Arkes Professor of Jurisprudence at Amherst College, in his Article 'Report from an Exotic Place', published by Crisis magazine, March 1999, p10, writes the following on the issue of gender during the Rome Conference: "the president of the United Nations Association of New York was apparently started when she was told by a young Islamic delegate that the Koran, as a source of Islamic law, prohibits homosexuality. According to the young delegate, she simply suggested to him with a wink, 'that moderate Muslims should interpret [their teachings] in a way that respects every human being's right to enjoy his or her body without interference or discrimination.'"

countries²⁰³ demanded that the conference either define or delete the term gender.²⁰⁴ The confrontation on heated incrementally.²⁰⁵ During the fourth week of the conference, the ambassador of Qatar made a statement from Islamic Sharia and denounced Western attempts to create what he understood as unholy and legally unfounded international standards.²⁰⁶ (When the emotions of NGO delegates spilled over following the ambassador's statement, the Swedish chairman turned the session from a formal to an informal, and kicked the NGOs out of the room. The Syrian delegation together with other Arab states submitted oral complaints to the²⁰⁷ chair about this undemocratic procedure.²⁰⁸)

Negotiations continued in informal consultations, organized by Canada and Qatar, to avoid the continual open confrontation between delegates over the issue. These negotiations spanned nearly three days of the final week of the conference. After the end of this three-day "backroom"

²⁰³ Qatar position was supported by nearly 30 other countries. The United Nations Diplomatic Conference on the Establishment of an International Criminal Court, an article by Richard G. Wilkins, p.11, to be requested from the JRCB law school.

²⁰⁴ The Syrian Negotiator Chancellor Judge Kais Al-Sheik made a statement in the Green Room of the Conference in which he said "If you mean to say that this term 'gender' is synonymous with 'sex' so why are you so insisting not to replace them, and if they are not the same then explain to us the difference since it is your language so that we can see whether it is in accordance with the law or not." He later asserted in a TV program "and after long formal and informal discussions they admitted that 'gender' includes same-sex sexual orientation. So that if someone practiced abnormal sex and was punished according to the internal law of the state, the judge becomes a criminal against humanity because he punished the abnormal due to his sexual behavior which it becomes a right of the abnormal to perform and change according to his wishes" Citations quoted and translated from a 55 minutes program produced and directed by the Saudi Arabian Journalist Mr Adel Al-Makinzy and Bachar Jamali for Iqraa Satellite Channel,

²⁰⁵ The battle on the definition of the term gender was about values after all. I remember vividly how the Canadian delegate in the Green room got so angry and confronted the Saudi Arabian delegate, so furious that he used improper language. A lesbian delegate was so angry that she gave a speech denouncing the approach taken by the so-called "reactionary countries." Later on that day, she was standing in the corridor holding the hand of her girlfriend and crying.

²⁰⁶ The Ambassador was implying homosexuality and sexual orientation.

²⁰⁷ Rome Statute of the International Criminal Court, Preamble, A/CONF.183/9, 17 July 1998.

²⁰⁸ The Syrian delegate confirmed this to two European Law Students Association (ELSA) representatives that night.

marathon, however, a satisfactory compromise was reached. That compromise yielded—for the first time in international law—a definition of gender. In its final form, Article 7, paragraph 3 of the Rome Statute defines gender as follows²⁰⁹: “for the purpose of this statute, it is understood that the term gender refers to the two sexes, male and female²¹⁰, within the context of society. The term gender does not indicate any meaning different from the above.”²¹¹ This definition is

²⁰⁹ The conference Daily Newspaper, TerraViva, article “Women Withhold final Verdict” writes “language in the ICC Statute was not settled until the last moments, because of fracious debates among definitions of terms like gender that led to the bracketing of provisions that mentioned these terms.”

²¹⁰ The Saudi Arabian delegation insisted during the negotiations that the definition reads “gender means the two sexes, male and female.” The words “in the context of society” are redundant since male and females usually do not exist in a vacuum. Obviously the western states were trying to assert the notion of social constructionism by insisting on the inclusion of the words “in the context of society.” During the NY prep Com on the International Criminal Court 16-23 February 1999 the Saudi delegate told me that the definition of the term gender was one of his biggest victories during the Rome Conference. See Appendix 9 on the text of Article 7, paragraph 3 in The Rome Statute of the International Criminal Court, English/Arabic versions, A/CONF.183/9, 17 July 1998. , compare that to the English/Arabic text of Article 5 (d) in the Draft Statute for the International criminal Court, A/CONF.183/2/Add.1. 14 April 1998. Compare the definition in the light of the Position Paper circulated at the Rome Conference by the David M. Kennedy Center for International Studies, Brigham young University “The Two Sexes” In The Various Versions of The Draft Statute: The Need for Conformity.

²¹¹ In her article: Women, War, and Words: The Gender Component in The Permanent International Criminal Court’s Definition of Crimes Against Humanity, Fordham International Law Journal, November, 1998. Brook Sari Moshan writes “Another failure of the Rome Statute to address the concerns of women’s advocates is the inclusion of a qualification of the term gender. Women’s activists have expressed concern that the qualification will complicate the prosecution of gender-based crimes. Activists have also lamented that delegates to the Rome Conference wasted valuable time rehashing old debates pertaining to the definition of gender and the definition finally elected appears unworkable and impractical.” p 179-180. Moshan defines gender crimes as “may also refer to violence against women that is rooted in or serves to perpetuate either socially-constructed gender roles or the power discrepancy between men and women... the term actually encompasses a great many crimes.” p. 158. Moshan builds on the definition of gender provided by Alda Facio, A Word (or Two) About Gender, on file with the Fordham International Law Journal, Alda provides the following definition “defining gender crimes as those crimes based on the power imbalance between men and women and social construction of femininity and masculinity”

expressly referenced following every repetition of the term “gender” within the ICC statute.²¹²

It is very strange to use terms like gender in an International Criminal Court Treaty without having a definition for the term.²¹³ Western states that so often advocate their “rule of law” should understand that the most fundamental general principle of criminal law is *nullum crimen sine lege*—meaning that there is no crime with law and any definition of a crime should be “strictly construed and shall not be extended by analogy.”²¹⁴ Ambiguous gender provisions in the ICC draft treaty created crimes “based on the power imbalance between men and women and social construction of femininity and masculinity”²¹⁵ and clearly begged for specificity and clarification. The Islamic and Catholic delegations understood that a criminal court could not enforce crimes defined by a term which “actually encompassed a great many crimes,”²¹⁶ especially not when most of the negotiating states thought gender was only an equivalent for sex.

²¹² The conference Daily Newspaper, TerraViva, article “Women Withhold final Verdict” writes “the ICC had seen a rehash of debates on fundamental concepts like gender, which they thought had been settled in the Beijing Conference. Caucus members had lamented that delegations seemed to be retracting the old debates on gender, despite widely accepted and well-used language on gender in numerous UN documents and conventions, not least the declaration that resulted from the 1993 Vienna Conference on human rights and the Beijing Conference. Capelon concurred: “The definition of gender is going to look odd. It’s outrageous that we had to fight a ridiculous five-week battle to hold on to something that was widely acknowledged by the UN system.”

²¹³ After all the term has never been used in an international treaty text before. See Appendix 8.

²¹⁴ Article 22 para 2, Part 3. General Principles of Criminal Law of the Rome Statute of the International Criminal Court, A/CONF.183/9, 17 July 1998.

²¹⁵ Brook Sari Moshan article: Women, War, and Words: The Gender Component in The Permanent International Criminal Court’s Definition of Crimes Against Humanity, Fordham International Law Journal, November, 1998.

²¹⁶ The clear definition of crimes become more urgent than ever in a world where human rights are becoming more and more a reason for intervention in the affairs of sovereign nations. Javier Solana, the Secretary general of the North Atlantic Treaty Organization, made a provocative statement on NATO’s 50th anniversary: “We are moving into a system of international relations in which human rights, rights of minorities are...more important even than sovereignty.” This sets a troubling legal precedent, if NATO attacks Serbia to protect the people of Kosova. What are the chances that such action can be taken against other states to protect other types of ‘minorities’ or oppressed social groups. These questions and others are argued in an editorial ‘Sovereignty Still Counts’, Omaha World-Herald. April 29, 1999.

Those that objected to the definition of gender on the grounds that it “appears unworkable and impractical”²¹⁷ have never explained why such a definition would be unworkable or why such a definition would be impractical. If the aim is to include sexual orientation²¹⁸ as part of the “social construction of femininity and masculinity,” then the insistence on the wide UN usage only serves to prove what they have in mind.²¹⁹ The only definition of gender that appears in an international instrument is the one agreed upon at Rome. Since the resolution of a definition for gender at the ICC conference in Rome, some commentators have sought to disparage the definition and the UN seems unwilling to acknowledge its reality. International law-makers and jurists who are willing to undermine the principles of *nullum crimen sine lege* and *pacta sunt servanda*, in order to advance a particular agenda at all costs, apparently misunderstand what law is all about.²²⁰

²¹⁷ Brook Sari Moshan article: *Women, War, and Words: The Gender Component in The Permanent International Criminal Court’s Definition of Crimes Against Humanity*, *Fordham International Law Journal*, November, 1998.

²¹⁸ Bias, Error, And Duplicity, *The UN and Domestic Law*, by Professor Richard G. Wilkins explains how American gay-rights activists “have focused their efforts in many areas—including the media and the courts. They have also concentrated their efforts on UN conference language, because at the high levels of generality at which UN norm setting occurs, broad language giving special protection to sexual orientation can be drafted without raising immediate cries of alarm. And with the unique power of pro-gay-rights Women’s Caucus behind them, these activists have had unusual success in getting favorable language actually adopted.”

²¹⁹ James D. Wilets clearly spells that notion. He writes “To the extent that women and sexual minorities are predicated upon assumptions of a polar construction of gender, in which nonconformity with gender role expectations is enforced through violent and non-violent means, it is possible to speak of violence against both groups as rooted in a system of male dominance. Understanding the commonality of the gendered nature of violence against the two groups can assist in formulating a response under international law to violence against both women and sexual minorities that reflects the common gendered societal assumptions and mechanisms which foster such violence.” p.990. Adding that “efforts by social movements such as feminism to broaden the definition of acceptable gender behavior, particularly with respect to societal power relationships, are closely connected to the efforts by sexual minorities to obtain societal recognition of the many forms their identities and relationships may assume. p.1008-1009. The bottom line is “Homosexuality, particularly in a contemporary context, cannot be separated from the larger context of gender norm expectations and male-female gender role stereotypes.” p.1012 *Conceptualizing Private Violence Against Sexual Minorities As Gendered Violence: An International And Comparative Law Perspective*, 1997 *Albany Law Review*. 60 *Alb. L. Rev.* 989

²²⁰ During 16-26 February 1999 the New York Preparatory Commission to establish the elements of crimes for the International Criminal Court was held. The NGO Coalition for the ICC circulated a 56 page paper titled “Commentary on the Rome Statute of the International

Criminal Court, Observer's Notes, Article by Article, Article 7 by Machted Boot, Rodney and Christopher Keith Hall. Advance Copy (17 February 1999) write: "Although the term 'gender' has a specific meaning under the Rome Statute as defined in paragraph 3, persecution on gender grounds as the term is generally understood in other international instruments and UN usage may still fall within the jurisdiction of the Court to the extent that such discrimination would be based on one of the 'other grounds that are universally recognized as impermissible under international law or involved 'other inhuman acts' within the meaning of paragraph 1 (k). Remarkably social grounds have not been expressly included."

Appendices

Appendix 1

1. New Standard Dictionary of the English Language, Funk & Wagnalls, New York 1963.
2. The Encyclopedia of Americana International Edition, Complete in Thirty Volumes, First Published in 1829, Grolier Incorporated 1981.
3. Webster's New World Dictionary of American English, Cleveland & New York 1988.
4. A Dictionary Of Slang And Unconventional English, Eighth Edition 1984, Macmillan.
5. PDR Medical Dictionary, first Edition 1995, medical Economics.
6. Webster's Seventh New Collegiate Dictionary, G. & C. Merriam Company, Publishers 1972.
7. Langenscheidt New Muret-Sanders Encyclopedia Dictionary of the English and German Languages, Part I, English-German, First Volume A-M, Langenscheidt 1962.
8. The Oxford English Dictionary, Volume IV, F-G, Cardenon Press 1993.
9. A Dictionary of Modern English Usage, H.W. Fowler 1983, p. 211 "a grammatical term only."
10. The American Heritage Dictionary of The English Language, published 1969.
11. Webster's Twentieth-Century Dictionary of the English Language, Publishers Guild, INC 1937. P. 712 "Gender: 1. Kind; sort.
 2. Sex, male or female [colloq.]
 3. In grammar, one of those classes or categories into which words are divided accorded to the sex, natural or metaphorical of the beings or things they denote."
12. The New Shorter oxford English Dictionary on Historical Principles, Edited by Lesley Brown, Volume A-M, Clarndon Press. Oxford 1993.
13. The World Dictionary, Volume one A-K, World Book, Inc.1984.
14. Cassell's New Latin Dictionary, Funk & Wagnalls 1959.\
15. The American Heritage ONARY of The English Language, American Heritage publishing Co., INC. 1969.
16. Webster's Word Histories, Merriam-Webster Inc., Publishers 1989.
17. The Oxford English Dictionary, Second Edition, Volume VI, Clarendon Press 1989.
18. Origins. A short Etymological Dictionary of Modern English, by Eric Partridge, The Macmillan Company 1966.
19. The Australian Reference Dictionary. Oxford University Press Australia.
20. Stedman's Concise medical Dictionary for The Health Professional, Third Edition 1997, William & Wilkins.
21. A Dictionary of the English Language , by Samuel Johnson, Vol. 1. Ams Press, Inc. 1967
22. Academic Press Dictionary of Science and Tecknology, edited by Christopher Morris, Academic Press 1992. "Gender: Biology. Sex; the category to which an individual is assigned on the basis of sex."
23. The Encyclopedia Dictionary of Science, Facts on File Publications 1988.
24. Cambridge International Dictionary of English, Cambridge University Press 1995.

25. The Canadian Living Webster Encyclopedic Dictionary of the English Language, Volume I, The English Language Institute of America 1974.
26. Random House Webster's Unabridged Dictionary, Second Edition, Random House New York 1987.
27. International Dictionary of Medicine and Biology, Vol. II & III, Willy Medical Publication 1986.
28. Hammond Barnhart Dictionary of Science by Robert K. Barnhart, Hammond Incorporated 1986.
29. The MOSBY Medical Encyclopedia, New American Library 1985.
30. Dorland's Illustrated Medical Dictionary 27th Edition 1988, W.B. Saunders Company
"Gender: sex; the category to which an individual is assigned on the basis of sex.
31. HITTI's Medical Dictionary, English Arabic, by Yusuf K. Hitti, Fourth Revised Edition 1982, Librairie Du Liban.
32. The Dictionary of Science, Simon& Schuster, New York 1993.
33. A New English Dictionary for Speakers of Arabic, Lund Humphries London 1980
34. Taber's Cyclopedic Medical Dictionary, 15th Edition 1981, F.A. Davis Company.
"Gender:[L. genus, kind]. The sex of an individual, i.e., male or female." p.671.
35. Stedman's Concise Medical Dictionary illustrated second edition 1993, Williams&Wilkins.
36. Webster's Third New International Dictionary of the English Language Unabridged, Merriam-Webster 1981
37. Miller-Keane Encyclopedia & Dictionary of Medicine, Nursing, & Allied Health, Fifth Edition 1992. W.B. Saunders Company. "Gender: sex; the category to which an individual is assigned on the basis of sex." p. 603.
38. MOSBY's Medical, Nursing, & Allied Dictionary Fifth Edition 1998, MOSBY. "Gender: [L. genus, kind], 1. The classification of the sex of a person into male, female, or ambivalent. 2. The specific sex of a person. See also sex." p.681.
39. Funk&Wagnalls New Comprehensive International Dictionary of the English Language, Encyclopedic Edition, J.G. Ferguson Publishing Company 1997."gender: 1.Gram...2. Colloq. Sex. 3. Obs. A kind; genus." p. 525.
40. Academic American Encyclopedia, Grolier Incorporated, Danbury 1998. "Gender: see GRAMMAR." p.75.
41. The Cadillac Modern Encyclopedia, Cadillac Publishing Co. , Inc. 1973.
42. The American Heritage Dictionary of The English Language, Third Edition 1992, Houghton Mifflin Company.
43. Illustrated Stedman's Medical Dictionary, 24th. Edition 1982, Williams & Wilkins.
44. Scientific Words Their Structure and Meaning, by W.E. Flood. Greenwood Press 1974
"Gener- (1) to beget (L. genero, generat-)... (2) race, kind (L. genus, gener-). genus- a group of closely related species of plants or animals." p. 69.
45. New Encyclopedia Britannica, Volume 5, Fifteenth edition 1987.

Appendix 2

46. A Dictionary of Law, third Edition 19994. Oxford, NY.
47. Running Press Dictionary of Law, Running Press, Philadelphia, Pennsylvania 1976.
48. Dictionary of Science and Law, by Rudolph Heimanson, Librarian Cleveland Law school. Oceana Publications, INC.. NY.1967
49. Bouvier's Law Dictionary and Concise Encyclopedia, Eighth revision, Volume 2. 1914
50. Ballentine's Law dictionary: Legal Assistant Edition. Lawyers Cooperative Publishing 1994.
51. Law Dictionary. Third Edition by Steven H. Gifis Associate professor of law, Retgers, The State University of New Jersey, School of Law, Newark Barron's educational series1991. Law Dictionary, Third Edition,1991, And Second edition 1984.
52. Dictionary of Legal Terms, a simplified guide to the language of law, by Steven H. Gifis,1983
53. Monarch's Dictionary of Legal Terms, by Shirley Raissi Bysiewicz, Law Librarian and Professor of Law University of Connecticut school of Law, Monarch press1983.
54. Law Dictionary, Fourth Edition, by Steven H. Gifis, Barron's 1996.
55. Legal Thesaurus, Regular Edition, William C. Burton, London1980 and Second edition of 1992
56. Baldwin's Centrup Edition of Bouvier's Law Dictionary, The Banks Law publishing Co. NY. 1926
57. West's Encyclopedia of American Law, Volume 5, West Group1998
58. The Attorney's Pocket Dictionary, Law and Business Publications Inc.
59. The Canadian Law Dictionary, Law and Business Publications Inc.
60. The American Law Dictionary, Law and Business Publications Inc.
61. Dictionary of Law, by Gorge Gorden Coughlin, Barnes& Books 1982.
62. Legal Secretary's Concise Dictionary, Compiled by Louisiana Association of Legal Secretaries. Claitor's Publishing Division 1974.
63. Gilmer's revision Cochran's Law Lexicon. Fifth Edition1973.
64. A Dictionary of Modern Legal Usage, Bryan A. Graner, Oxford University Press 1987.
65. A Dictionary of Modern Legal Usage, Bryan A. Garner, Oxford University Press 1987
66. Law Dictionary adopted to the Constitution and Laws of America, by John Bouvier, fourteenth edition, Vol. I, J. B. Lippincott & Co 1882.
67. The Plain-Language Law Dictionary, edited by Robert E. Rothenberg, Penguin Books 1981.
68. Radin Law Dictionary, by Professor Max Radin, Second Edition 1970, Oceana Publications, INC.
69. Modern Dictionary For the Legal Profession, Gerry W. Beyer and Kenneth R. Redden by William S. Hein & Co 1996
70. The Wisdom of the Supreme Court, Selected and arranged by Percival E. Jackson, University of Oklahoma Press. Norman 1962.
71. Ballentine's Legal Dictionary And Tresaurus, Jonathan S. Lynton, Delmar Publishers Inc. 1995

72. Law Dictionary for Nonlawyers, Daniel Oran & Mark Tosti, Third Edition 1991, West Publishing Company.
73. Dictionary of Criminology, edited by Richard Nice, Philosophical library 1965.
74. Oran's Dictionary of the Law, Daniel Oran and Mark Tosti, West Publisher's Company Second Edition 1991.
75. Mellinkoff's dictionary of American Legal Usage, David Mellinkoff, West Publishing Co. 1992.
76. Merriam-Webster's Dictionary of Law, Meriam Webster, Incorporated 1996.
77. Blackstone Pronouncing Law Dictionary, Gunther W. Harms, Blackstone school of Law 1968.
78. Modern Dictionary For the Legal Profession, Second Edition 1997 Supplement, William S. Hein & Co. 1997.
79. Black's Law Dictionary, Henry Campbell Black, Fifth Edition, West Publishing Co. 1979.
80. Illustrated Stedman's medical Dictionary, Fifth Unabridged lawyer's Edition 1982, Jefferson Law Book Company, p. 580 "gender. The anatomical sex of an individual."
81. Ballentine's Law Dictionary, James A. Ballentine, Third Edition 1969. The Lawyers Co-Operative Publishing Company.
82. Faruqi's Law Dictionary, English-Arabic, 3rd Revised edition 1991, Librairie du Liban..

Appendix 3

The Cairo Platform of Action uses the exact term 'sexual activity'. See Cairo Program of Action paragraph 8.24 ("Adolescent females and males should be provided with information, education and counselling to help them delay early family formation, premature sexual activity and first pregnancy.")

The delegation of Yemen made a reservation on the term 'sexual activity' stating

"In chapter VIII, we have some observations to make, particularly relating to paragraph 8.24. Actually, we wanted to delete the words 'sexual activity'. And, if we cannot delete them, then we wish to express our reservations"

The delegation of the Holy See was of the same view

"The chapters also contain references which could be seen as accepting extramarital sexual activity, especially among adolescents"

And they were right in their suspicions. Five years later, the United Nations Population Fund (UNFPA) would hold **The Hague Youth Forum** at The Hague, Netherlands from 6th to the 7th of February 1999. See Letter from Dr. Nafis Sadik, Executive Director, UNFPA. "To the participants of the Youth Forum of ICPD+5." The Declaration of that Youth Forum (also called Youth Forum ICPD+5) states "A gender Facilitator should be established in all school systems as a guide to promote gender equality in order to break down negative gender stereotypes, to educate on sexual and reproductive rights and to create a positive identity for girls/women and men/boys." (Part One EDUCATION, recommendation 10). Also, "Governments must also provide education regulations to meet a quality of education which: a) Includes all sectors of youth **without discrimination .. discrimination on the basis of race, religion, ethnicity, culture, sex, sexual orientation and sexual activity**" (Recommendation 12, note that sexual activity is not qualified).

Later the Declaration states that "comprehensive sexual education in schools should be mandatory at all levels. This should cover sexual pleasure, confidence and freedom of sexual expression and orientation." (Part Three SEXUAL & REPRODUCTIVE HEALTH, Human Rights, Recommendation 1).

The UNFPA and the World Population Foundation (WPA), a Dutch population organization, manipulated the Youth Forum from the beginning. It became quite a scandal for the UNFPA and WPA. Not only were all religious organizations excluded or not invited, the Youth who were invited were only admitted after they submitted a personal essay about their values and special personal experiences. The Declaration of the youth was drafted before hand. Conveniently, the Arab and Muslim youth were not offered a translation in Arabic. Until I conducted interviews with those Arab-speaking youth delegates, they were not aware of non-negotiated language

included in the text concerning sexual orientation rights. Furthermore, I discovered that many youth of all languages were unaware that their declaration demands sexual pleasure rights outside of marriage and rights to abortion on demand including emergency contraception. As a result of my interview with Mr. Kassam Mohamed Nassar, a member of the supervisory committee, he convened an emergency meeting of the Arab Youth. Events escalated from that meeting which eventually turned into an extraordinary session of the whole Youth Forum on the 12th of February, five days after the Youth Forum had officially concluded its work. The UNFPA intended the Declaration to be a consensus document. The UNFPA officials failed to contain the controversy surrounding the Youth Declaration and the extraordinary session was held to re-vote on the sexual orientation and abortion language. Although the initial procedures required a 60% majority vote, the forum convenors changed that requirement to a simple majority and the language was retained during the special session. The language on sexual orientation in recommendation 1 passed by a 55% vote; 44% of the participants voted against the wording. The language to secure a right to abortion on demand in recommendation 7 was retained by a mere 52% of the vote, with 44% opposing and 4% of the ballot papers spoiled. Despite the change in voting procedures, the second page of the Declaration states clearly that the adoption was according to a "majority of 60%." This left many delegates wondering how that language could be retained in the document by a vote of 55 and 52%. See Youth Forum recommendations ICPD+5, Appendix and Reservations.

The participant from the Environmental Youth Network, Mexico, submitted the following reservation "a reservation on the word 'abortion' in recommendation 7 from the Sexual and Reproductive Health section because the word 'abortion' as mentioned in this report is not consistent with the ICPD Program of Action, so it can't be discussed during the ICPD+5 process. As well, a reservation is submitted on the phrase 'sexual orientation' as it is not mentioned in the Program of Action ICPD, so it can not be discussed in this process."

Elements in the UNFPA were very angry that my journalistic questions eventually led to the controversy and possibility of an extraordinary session. Four UN Security men under the supervision of two UNFPA officials (Sterling Scruggs and Corrie Shenhan) assaulted me in a back corridor.

Al HAYAT International Arabic Newspaper has dedicated a full report to the assault. The report Headline asks: "Does Anann hear the painful cries of Bachar?" The Report begins: "At the same time that the Secretary General of the United Nations Kofi Anann called for world opinion to defend and protect the freedom of the speech on the occasion of the World Press Day, we have not forgotten the case (which is still unsolved) of journalist Bachar Jamali of Arab decent and Norwegian Nationality who was beaten up by individuals of the United Nations during the Hague International Youth Conference which was held last February." Al Hayet Newspaper quotes me as saying: "'I do not understand what is behind the UN Secretary General's call for the defense of the rights of journalists and freedom of the free speech'... 'I have sent him the complaint on the second day of the assault through UNFPA and have not heard from him since'" See Al HAYAT, Tuesday 18 of May 1999, ISSUE No 13219, p.20.

Journalist John Mallon, wrote in The Daily Oklahoman on the 13th of May:

Bachar Jamali, a 26-year-old Muslim law student and credentialed journalist, informed participating Muslim youths that "Sexual and Reproductive Rights" included premarital sex and abortion, and "orientation" in this context meant homosexuality, activities all forbidden by Islam. Hearing this, the Muslim youth revolted. For this, Jamali was detained by uniformed U.N. security guards, who allegedly removed their name badges, slammed him against a wall, and the floor, while he was handcuffed, stripped him of his press badge and expelled him from the conference. Some have alleged that Scruggs supervised Jamali's treatment.

I documented the assault at the Hague Forum and the UNFPA in Bachar Jamali "The Hague: A Conference Or A Conspiracy, The Declaration of War Against Youth. The Details of the Attack on the Islamic Future Magazine Correspondent at The Conference," Islamic Future Magazine, April 1999, Vol. XIV, No.92. p. 4-9. Other scholars and journalists have also commented on the assault. See, for example Professor Richard G. Wilkins; "The Hague: Youth Forum's Unfounded Attack on Basic Values," Islamic Future Magazine, April 1999, Vol.XIV- No.92, p.50-51

"Mr. Jamali, for his part was eventually subjected to the worst abuse at Youth Forum. Mr. Jamali is a correspondent for the Islamic Future magazine. After he had interviewed various Youth Forum attendees about controversial 'sexual orientation' language contained in the Forums draft Recommendations. Mr. Jamali was accosted by uniformed UN Security guards that demanded the return of his accreditation papers. When Mr. Jamali refused to surrender his papers, he was slammed into a wall, thrown to the floor, handcuffed and escorted from the Forum. Why did the UNFPA Secretariat go to such lengths to pre-screen and limit participation at the Youth and NGO Forums? And why were pro-life and pro-family representatives at the Forums subjected to surveillance and eventual abuse. One need only look at the work product of the Youth Forum."

Canadian journalist and attorney Jane Adolph described my assault, "When a Muslim Journalist began to explain to some young people what the document they were voting on really meant, he was expelled from the premises." "KICK HIM OUT", Inside The Vatican, March 1999, p.85-87.

Professor at the University Of California Dr. Rasha al-Disuqi, wrote on the assault, "Beating and terrorism for those attempting to understand what is going on"... "Four UN security guards, in blue uniforms, beat him up for a period of a quarter of an hour, during which he was in great pain, and this took place before two of the team of Dr. Nafis Sadiq." "The 'Secret' Conferences Of the United Nations", AL-MUJTAMA'A Magazine, (Issue No.1343) 23/3 - 5/4/1999, p21-30. Headline p.23.

The prominent Egyptian Journalist Fahmi Huwaidi reports, "When the Conference started its work, it was apparent from the very first moment the bias of Dr. Nafis' team towards the

abnormal organizations and advocates of sexual libertarianism. And it was apparent that they arrived ready to shut up any opposing voice, to the degree of applying methods of brutality and violence.” “A New Scandal in A Suspicious Youth Declaration” published by the biggest Arabic International Newspaper Al-Sharq Al-Awsat, 15 February 1999, Issue 7384;

In its Issue of 25/3/1999, the biggest Arabic International Newspaper Al-Sharq Al-Awsat, again reported: “The Hague recommendations calls to corrupt societies and undermining virtuous values.” Al-Hayet International Arabic Newspaper March 23, 1999 wrote “The World Assembly of Muslim Youth Decries United Nations Conferences” quoting His Honor General Director of the World Assembly of Muslim Youth Dr. Maneh Al-Guhani “Even WAMY’s correspondent was subjected to beating.”

ICPD +5 Watch

The Hague

A Publication of the Women's Feature Service

Monday, February 8, 1999

Sex Talk Without Giggles, But the Progress is Slow

By Dan Shepard

Substantial progress has been made in improving the lives of women, men and children since the Cairo ICPD, Hillary Rodham Clinton told the concluding session of the NGO and Youth Forums, but that progress, she conceded, might seem "glacial" to young people.

"We have come a very long way," she said, in an upbeat address that saluted the efforts of NGOs during the entire Cairo process. "Everyone here has in some way contributed."

She recalled that at the Cairo conference, when talks were at a standstill, it was the efforts of NGOs who "came down from the balconies" that helped craft compromises.

and NGOs to form strong links, to share experiences, to reach out to young people, and to men, who she said must be "willing and full partners in this process."

There is also a need for democracy, Clinton said that after a Senegalese community learned about democracy it voted to ban female genital mutilation. Inspired, leaders of the community brought the news of its decision to other communities, which ultimately led to the decision by Senegal this year to ban female genital mutilation.

Following a standing ovation for Clinton, IPPF President Attiya Inayatullah thanked the Clinton administration for its "unwaver-



Delegates at the close of the forum pondered an upbeat speech by the US First Lady.

Photo: Anurjit Sidhu

Post Cairo, What's Working, What Needs to Be Done

PD +5 Watch

A Publication of the Women's Feature Service

Tuesday, February 9, 1999

per to Forum forward

General Assembly's special session this June.

Based on his role at the ICPD, Nicolaas Biegman, now The Netherlands ambassador to NATO, was named president of the forum. Sadik referred to Biegman as having "the patience of a saint and the tenacity of a bulldog" for his efforts in Cairo. As his first action in presiding over the forum, Biegman asked for a moment of silence to honor King Hussein of Jordan.

While the opening session was filled with platitudes, thanking The Hague and the Netherlands for hosting the forum, as well as those who worked on the Cairo consensus, Netherlands' Minister for Development Cooperation Evaline Herfkens warned the meeting not to spend much time on "self-congratulatory" statements.

But proud of their countries' efforts, the first ladies of Ghana and El Salvador spoke at length of the problems and solutions that have been encountered since Cairo. Despite a recent string of impressive developments, Nana Rawlings of Ghana cautioned that a drop in resources, particularly from the United States, would have "a long

Continued on page 8



Gro Harlem Bruntland, Peter Piot, and Nafis Sadik

EXECUTIVE DIRECTOR

Photos Amarjit Sidhu

We Are Not Helpless, UN Agency Heads Proclaim

By Anita Anand

Heads of UN agencies spoke out strongly about what has worked since Cairo, and what still needs to be done.

"Reproductive health is gaining ground; it is a valued and intimate part of our lives; it is about relationships, closeness and fulfillment, and these are decisions about abortion, death, unwanted pregnancies," said Gro Harlem Bruntland, Director General World Health Organization (WHO) and earlier prime minister of Norway.

Saying that these highly personal aspects of our lives are difficult to talk about because of taboos, women's low status, and illiteracy, Bruntland said there is now more debate. Speaking of reproductive health as an issue not just of health but of social justice, she

pointed out that development assistance which was almost 0.7 percent of the GNP (Gross National Product) in 1994, was 0.2 percent in 1998, and declining in 1999.

"Since 1994 there is an unfinished agenda of maternal mortality and adolescent and sexual health," said Bruntland.

Comparing Africa to Europe, she pointed out that in the former one in 16 women die in childbirth while in the latter one in 4000. In Africa too, one in 20 adolescents get an STD, and one in four have an unsafe abortion.

Bruntland put this down to the "piecemeal" approach to health-care such as family planning services, nutrition, and ante-natal services. And, said Bruntland, there is no health system to address issues

of maternal mortality.

"Who is going to address this challenge?" she asked, saying that reliable and informed support to countries is needed.

Carol Bellamy, Executive Director of UNICEF, said girl's education is good investment. Nafis Sadik, Executive Director of UNFPA echoed this, saying that at the recent World Economic Forum in Davos there was emphasis on human capital.

"Reducing maternal mortality is not taken seriously and nor is it high on policy-makers' agendas," said Bellamy, affirming Bruntland.

Citing the Convention on the Rights of the Child and CEDAW (Convention on the Elimination of All Forms of Discrimination against Women) as two docu-

Continued on page 6

Youth Forum Watchdog

NGO Youth Forum, The Hague, 5-7 February 1999

Late Night
Tensions
at page 7

We made it!

It was not the first youth NGO Forum BUT it was a first in many other ways. The ICPD + 5 Youth Forum was the first time that youth from around the world have been fully integrated with a United Nations meeting. Along with the 137 youth delegates, many others were essential to the success of the Youth Forum. These included representatives from the World Population Foundation, tireless volunteers from the Dutch Youth Council, and the other individuals who worked hard before and during the Forum.

SONU CHHINA

Youth delegates may rejoice in what they have accomplished but the real work is about to begin with the following recommendations:

Recommendations:

"It was a hell of a job, but we made it. Don't ask us how." The whole crew is bursting with pride when they talk about the final draft. The final plenary of the Youth Forum on Sunday afternoon was, however, just on the verge of being declared a war zone. Tempers were barely under control as the reps dealt with the time constraint. With an edge to their voices, they lobbied emphatically for the changes they wanted. Many reps complained of lack of organization and rules for the plenary. But, here are some of the exciting 'recs' that will land at the Hague Forum tables.

Sexual and Reproductive Health

In-school sexual education that covers sexual pleasure and confidence won near-absolute consensus. The forum also concurred that services for young people should be confidential, accessible, proactive, free (or at least affordable), non-judgmental and run by young people in collaboration with trained professionals. The youth clearly expressed a need that community leaders (parents, teachers, religious and political leaders) should be mobilized to work together with young people, collaborating with the media and diverse interest groups (e.g. sports clubs and NGOs). The forum decided that young people need to participate in all conferences about sexual and reproductive health. They also recommended the right to technical assistance and financial support



Ginger Couldn't Make It,



Saved by U2: John O'Brien
Born in Dublin, Ireland, O'Brien first became involved in combatting the Irish Government's refusal to grant basic reproductive freedoms when many of his friends were forced to endure unwanted pregnancies because of the illegality of both contraception and abortion. In protest of his coun-

try's criminalizing of contraception sales, John, in collaboration with local family planning organizations, began selling condoms. After undercover police officer exposed the ring of condom corrupters, O'Brien and Company were both tried and convicted. Rock band U2 not only offered to pay the legal fines but issued a statement denouncing the government's action thereby catalyzing a public outcry that ensured the law's subsequent repealing. Even after his brush with the law, John's commitment to sexual and reproductive freedom endured. As press officer for the Alliance for Choice, John brought national attention to the abuse of a previously thought innocuous constitutional amendment, "protecting the life of the unborn." Using the

Continued on page 2

from governments, NGOs, private sector and other youth organizations.

Violence

The human rights recommendations aim for the elimination of prejudice against minorities (e.g., HIV+ individuals). The paper lists a program to encourage and educate children, youth and adults towards greater tolerance, solidarity and knowledge of other cultures through means such as street theater. The forum also called for addressing the role of the media in not presenting negative images that might affect youth and children's perspectives of violence.

Individual Development

The recommendations minced no words when asking for treatment as equal partners at ALL levels of the policy and decision-making process and demanding a UN organization for and by youth to foster sharing of resources. The forum recommended that ed-

ucation be subsidized at all levels by reducing military spending and increasing education budgets. The forum put forth the need for governments, private sector and NGOs to employ a fixed percentage of young people in permanent jobs.

Education

The youth forum demanded that primary school curricula should include instruction on democracy, sexual and reproductive health and rights and gender equality. Recommendations on future action also included equal access to free education for all children below the age of 18.

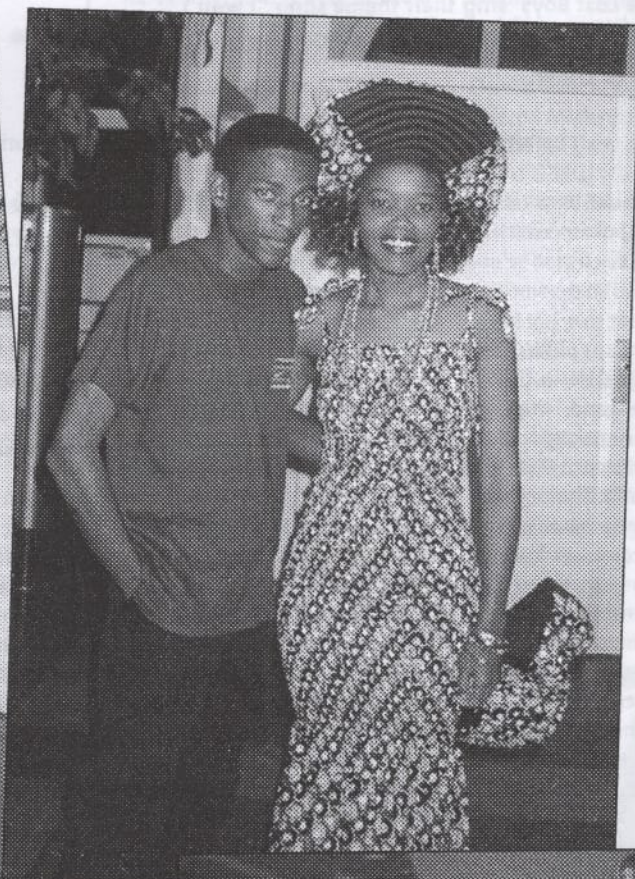
Finally

The reps called on governments to enforce laws regarding the enrolment of children in school. Several reps are still sore at the brushing aside of suggestions and demands made during the plenary. They were, however, overawed with the fact that they had completed their task.

A Traditional Night at the Youth Hostel



Shields



The Happy Couple

Late Night Intruder

Sunday night the Youth Hostel had a visitor in the form of a Syrian journalist who attempted to sow discord among the delegates regarding their recommendations. Finally, after days of work, the delegates were celebrating their achievements with a party despite their exhaustion. Suggesting to the Arab State delegates that references to "freedom of sexual expression and orientation" tolerated sex outside of marriage and homosexuality, he ruined their repose by trying to stir a rebellion.

The Arab delegates had already raised their objections during the final plenary, but were overruled by the majority of the

Forum. However, the journalist managed to raise their concerns, for they felt their objections based on religion and culture would not be reflected in the final document. At an emergency meeting everybody's mind was set at ease again. It was agreed upon that a reference to the rules regarding majority approval of recommendations would be reiterated in the introduction to the official Youth Forum document.

And the Syrian journalist? He has been expelled from the Youth Hostel and got a warning, that if he ever showed up again at the Youth Hostel the police would be called.



The Youth Forum: Dutch Contingent

Why a Youth Forum on ICPD+5?

Almost 20% of the world's population, 1.06 billion people, is between the ages of 15 and 24: the largest generation of young people ever in history. It has to be recognised that the needs of young people differ from those of adults. These young people have an enormous potential for the development of their countries and the world as a whole. This document contains recommendations for realising that potential.

Young people have a key role to play in population and development issues and they should be involved at all stages in the implementation of the *ICPD Programme of Action*. The Youth Forum provided them with an opportunity to express their views and concerns and put forward their recommendations to governments, the UN-system, other intergovernmental organisations, NGOs and to other young people. Young people have been sharing their experiences and innovative ideas to strengthen their ability to contribute to the implementation of the *ICPD Programme of Action* at the grassroots level.

What is the Youth Forum on ICPD+5?

The Youth Forum took place in The Hague, The Netherlands, on 6 and 7 February 1999. It was a meeting in its own right, and ran parallel to the NGO Forum and just prior to the Hague Forum. The Youth Forum brought together 132 young people from youth and other organisations from 111 countries. It provided an opportunity for young people to review the achievements made since ICPD in Cairo, 1994, to consider the obstacles and constraints that have been identified and to develop the critical next steps that need to be taken.

The Youth Forum focused on four key themes and four cross-cutting issues.

Key Themes

Education
Individual Development
Sexual & Reproductive Health
Violence

Cross Cutting Issues

Human rights
Gender
Governments & democracy
Youth participation

This document presents the recommendations of the Youth Forum on ICPD+5. These recommendations have been formulated by the participants in the four key issues working groups and have been adopted during the plenary session, according to a majority defined as being 60% of the participants.

The Youth Forum was organised by the World Population Foundation (WPF) in collaboration with UNFPA and is co-hosted by the Dutch Council on Youth and Population. The Youth Advisory Group, comprised of 11 young people from all regions of the world, advised WPF on all aspects of the planning process and provided a youth perspective on developing the key issues addressed in the Youth Forum.

Letter from Dr. Nafis Sadik, Executive Director, UNFPA

To the participants of the Youth Forum of ICPD+5,

I would like to extend my heartiest congratulations to the participants and organizers of the Youth Forum for the contributions to the Hague Forum ICPD+5 review process. The concerns you have discussed in the areas of reproductive and sexual health, education, violence and individual development have greatly enriched our understanding of the issues facing young people throughout the world. Even more importantly, you have gone far beyond discussing these concerns: you have carefully reviewed the experiences in many countries, evaluated the effectiveness of different types of interventions, and have proposed very specific actions to be taken to improve the lives of young people. All those attending or observing the Youth Forum have been impressed by the work done by the Youth Advisory Group in organization of the Forum, by the high level of discussions in the working groups, and by the reports of the participants about the exciting work they have been doing in their countries.

From the opening ceremony onwards, when we enjoyed the vibrant drum and dance performance by a local percussion band, young people have vitalized the meetings in the Hague with their creative energy and their dynamism, as well as with very serious and specific ideas about ensuring reproductive and sexual health, improving education, and enabling the individual development of every young person. I am particularly glad that there was also much discussion of how violence is affecting so many young people in the world. It makes us all hopeful that you have suggested ways to prevent violence against young people, and that you have considered all sorts of violence - from female genital mutilation to family violence to war. You have also highlighted the importance of advocacy in all these areas, and shared many successes which we must learn from.

I want to assure you that we in the UN, in governments, and in NGOs are listening and learning from you, and that we will do our best to follow your lead in pursuit of the goals set in Cairo five years ago for improving the lives of young people.

UNFPA is proud to have supported this Youth Forum together with the World Population Foundation and the Dutch Council on Youth and Population. I would like also to acknowledge the cooperation from the international NGOs and UN agencies who provided resource persons and other valuable support. In particular, it has also been gratifying to see so many young people who have volunteered their time and energy to help with the logistics of the forum and have made the participants feel so welcome in the Hague.

Again, congratulations to all of you. I am proud that UNFPA has such committed and energetic young partners.

Nafis Sadik
Executive Director and
Under-Secretary General

Youth Forum Watchdog

NGO Youth Forum, The Hague, 5-7 February 1999

Late Night
Tensions
at page 2

Late Night Intruder

Sunday night the Youth Hostel had a visitor in the form of a Syrian journalist who attempted to sow discord among the delegates regarding their recommendations. Finally, after days of work, the delegates were celebrating their achievements with a party despite their exhaustion. Suggesting to the Arab State delegates that references to "freedom of sexual expression and orientation" tolerated sex outside of marriage and homosexuality, he ruined their repose by trying to stir a rebellion.

The Arab delegates had already raised their objections during the final plenary, but were overruled by the majority of the

Forum. However, the journalist managed to raise their concerns, for they felt their objections based on religion and culture would not be reflected in the final document. At an emergency meeting everybody's mind was set at ease again.

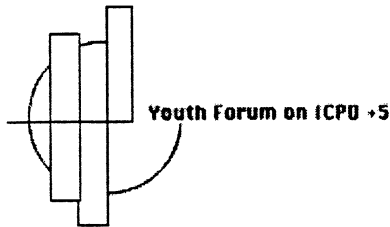
It was agreed upon that a reference to the rules regarding majority approval of recommendations would be reiterated in the introduction to the official Youth Forum document.

And the Syrian journalist? He has been expelled from the Youth Hostel and got a warning, that if he ever showed up again at the Youth Hostel the police would be called.

Comment by author Bachar Jamali

The entry of reservations by 44% of the youth against the declaration, which was kept by a simple majority of 51%, is noted. Additionally, 4% of the vote was "spoiled."

The Youth Declaration had already been passed before my involvement as a journalist, with a majority defined as 60% of the participants.



SEXUAL & REPRODUCTIVE HEALTH

Human Rights

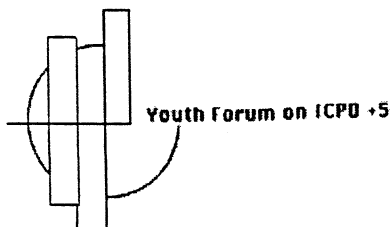
- 1) Comprehensive sexual education in schools should be mandatory at all levels. This should cover **sexual pleasure**, confidence and **freedom of sexual expression and orientation**¹.
- 2) Governments, youth organizations, NGOs and the mass media should promote and protect S&RH rights for young people (which are the same rights as those of adults) and they should also inform young people about their rights and give them the tools to exercise them.
- 3) Services for young people should be: confidential, accessible and pro-active, free (or at least affordable), non-judgmental, and most of all, designed, composed of and evaluated by young people in collaboration with trained professionals.

ICPD Programme of Action 7.47

Governments, in collaboration with non-governmental organizations, are urged to meet the special needs of adolescents and to establish appropriate programmes to respond to those needs. Such programmes should include support mechanism for the education and counselling of adolescents in the areas of gender relations and equality, violence against adolescents, responsible sexual behaviour, responsible family-planning practice, family life, reproductive health, sexually transmitted diseases, HIV infection and AIDS prevention. Programmes for the prevention and treatment of sexual abuse and incest and other reproductive health services should be provided. Such programmes should provide information to adolescents and make a conscious effort to strengthen positive social and cultural values. Sexually active adolescents will require special family planning information, counselling and services, and those who become pregnant will require special support from their families and community during pregnancy and early child care. Adolescents must be fully involved in the planning, implementation and evaluation of such information and services with proper regard for parental guidance and responsibilities.

Gender

- 4) **Introduce** and **analyse** the **laws** and policies with regard to adolescent S&RH, in order to identify and reduce inequalities based on gender to ensure that young



Report of the Youth Forum ICPD+5

The Hague, Netherlands
6-7 February 1999

Part 1:

WHY A YOUTH FORUM ON ICPD +5?
EDUCATION

Part 2:

INDIVIDUAL DEVELOPMENT

Part 3:

SEXUAL & REPRODUCTIVE HEALTH
VIOLENCE

Part 4:

APPENDIX
RESERVATIONS
BEYOND THE HAGUE
FORUM PARTICIPANTS

لا حظ التي الرابع المنقذات
نتيجة اللقاءات العربية

← Back

people receive the best quality education (including information on contraception) and information irrespective of their choice to choose the appropriate educational environment (i.e. single-sex vs. Coeducational).

5) Governments and NGOs (especially youth NGOs) should organize programs to encourage young people to increase personal responsibility and to accept equal responsibility regardless of gender. These programs should involve parents to educate them on the equality of both sexes and to stimulate equal treatment in terms of equal opportunities for both girls and boys.

ICPD Programme of Action 7.46

Countries, with the support of the international community, should protect and promote the rights of adolescents to reproductive health education, information and care and greatly reduce the number of adolescent pregnancies.

Governments & Democracy

6) Governments in consultation with specialised agencies must legislatively recognise and provide financial support for a representative national youth council that is a reference point for all policies relating to youth.

7) To specify a budgetary allocation for youth S&RH services (including counseling, family planning, contraception, HIV/AIDS/STD-related services, sexual abortion and emergency contraception) to be determined by a consensus of youth, NGOs and government. These service providers should be properly trained to give young people the most complete information and offer them access to sexual and reproductive health services, giving them the opportunity to make their own choices.

Youth Participation

8) Community leaders (parents, teachers, religious and political leaders including minorities etc) should be mobilised to work together with young people, collaborating with media and diverse interest groups (e.g. sports clubs, NGOs etc.).

9) Young people have the right to technical assistance and financial support from governments and specialised agencies (interactive, up-to-date and accessible education and training) should enable young people to set up organizations, create partnerships with governments, NGOs, private sector and other youth organizations. Young people should participate in all conferences about sexual and reproductive health.

10) Young people have the right to use the above resources to enable them to propose, design, execute and evaluate activities which increase the access of young people to sexual and reproductive health information, education and services (e.g. youth counselling, training camps, peer education etc.) with a view to sustaining, replicating and scaling up good programmes.

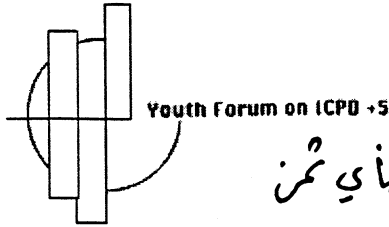
VIOLENCE

Endnote

- ١٥٠٠
١. This recommendation was approved by 55% of participants, while the other 44% supported the following alternative wording: "Comprehensive sexual education in schools should be mandatory at all levels. This should cover, as appropriate, sexual pleasure, confidence and freedom of sexual expression." Most of these participants opposed the phrase "sexual orientation." A full explanation of the process is found in the Appendix.
- ١٥٠٠
٢. This recommendation was approved by 52% of participants while the other 44% supported the following alternative wording: "To specify a budgetary allocation for youth S&RH services (including, as appropriate, counselling, family planning, contraception, HIV/AIDS/STD-related services and emergency contraception) to be determined by a consensus of youth, NGOs and government. These service providers should be properly trained to give young people the most complete information and offer them access to sexual and reproductive health services, giving them the opportunity to make their own choices." Most of these participants opposed the word "abortion." A full explanation of the process can be found in the Appendix.

← Back Next →

استمر الزام حتى آخر أيام المؤتمر الدبلوماسي وهذه هي النتيجة



نتيجة التوثيق: ما لأن هذا ليتم التحقق بدون
نمون الله

الأصرا - على ادخال التدوز والاجراءات التي النفس بأي ممن
تم تغيير قواعد الاجراءات لتعقد نسبة المقررات
الأغلبية البسيطة أي ٥١٪ بدلا عن
النسبة الأساسية ٦٠٪

APPENDIX

Recommendations 1 and 7 of the Sexual & Reproductive Health section passed in an extra-ordinary session of the Youth Forum. A quorum of participation was present. The process for this meeting was agreed by consensus.

لا صلا
٥١٪
صلا
For recommendation 1, 55% of participants voted for the wording as adopted, which was passed by a simple majority (with no abstentions), while 44% of participants voted for the following wording: Comprehensive sexual education in schools should be mandatory at all levels. This should cover, as appropriate, sexual pleasure, confidence and freedom of sexual expression." Most of these participants opposed the phrase "sexual orientation" and expressed this opposition in the reservations that follow. One percent of ballot papers were spoiled.

لا صلا
For recommendation 7, 52% of participants voted for the wording as adopted, which was passed by a simple majority (with no abstentions), while 44% of participants voted for the following wording: "To specify a budgetary allocation for youth S&RH services (including, as appropriate, counseling, family planning, contraception, HIV/AIDS/STD-related services, and emergency contraception) to be determined by a consensus of youth, NGOs and government. These service providers should be properly trained to give young people the most complete information and offer them access to sexual and reproductive health services, giving them the opportunity to make their own choices." Most of these participants opposed the word "abortion" and expressed this opposition in the reservations that follow. Four percent of ballot papers were spoiled.

لا صلا صلا ٤٪ من الأمراء

RESERVATIONS

التحفظات

1 Based on their religious and ethical values and cultural backgrounds and according to paragraph No. 1 of Chapter II "Principles" of the Programme of Action of ICPD 1994, the participants from the organizations listed below have been most careful to object and refuse words such as "sexual orientation" and the word "abortion" without being defined as "abortion when legal". They hereby object and refuse these two words as mentioned in recommendations number 1 and 7 in the Sexual and Reproductive Health section of this document.

Arab Women Organization, Jordan
AMPF, Morocco
National Women Committee, Republic of Yemen
Gerkalsan Pramuka, Indonesia
BFPA, Bahrain
PFPPA, Palestine
LFPA, Lebanon
TINE, Turkmenistan
AHIP - AHIP, Nigeria

Rwanda Matlovia Youth Council, Rwanda
WOSM—World Organisation of Scout Movement
Thai Red Cross Society, Thailand
YWCA, Sri Lanka
HCY (Higher Council of Youth), Algeria
Revolution Youth Union, Syria
Youth Association for Population & Development, Egypt

2 The participant from the National YWCA of Pakistan submits a reservation regarding the word "abortion" in recommendation 7 from the Sexual and Reproductive Health section and "sexual orientation" (which is taken to mean homosexuality), in recommendation 1 from the Sexual and Reproductive Health section, on the grounds that neither are legal in Pakistan.

3 The participant from the Tunisian Association against STDs & AIDS submits a reservation regarding the word "sexual orientation" found in recommendation 1 from the Sexual and Reproductive Health section due to cultural and religious reasons.

4 The participant from the CONJUVE (Consejo Nacional de la Juventud, Honduras) submits a reservation on the word "abortion" in recommendation 7 from the Sexual and Reproductive Health section because Honduras reserves the right to prohibit and penalize abortion.

5 The participant from Action Canada for Population and Development submits a reservation on the word "abortion" in recommendation 7 from the Sexual and Reproductive Health section of this document, and would read this as "safe abortion".

6 The participant from the Environmental Youth Network, Mexico, submits a reservation on the word "abortion" in recommendation 7 from the Sexual and Reproductive Health section because the word "abortion" as mentioned in this report is not consistent with the ICPD Programme of Action, so it can't be discussed during the ICPD+5 process. As well, a reservation is submitted on the phrase "sexual orientation" as it is not mentioned in the Programme of Action of ICPD, so it can't be discussed in this process.

BEYOND THE HAGUE

This is not going to stop here, the Process has begun. It has been set in motion and will continue. The next step is to carry these recommendations for future action forward to the Commission on Population and Development (CPD), also named PrepCom, which takes place from March 22 to 30 1999 in New York. This meeting will prepare for the Special Session of the General Assembly of the United Nations (UNGASS), and is therefore an important point to speak out on the recommendations of the Youth Forum.

The UNGASS will be held in June 30 to July 2 1999. UNGASS will review and assess the progress made since Cairo 1994, and from that will identify key future actions for the further implementation of the Programme of Action. At that moment it will be clear whether the voices of young people have been listened to.

The other side of the picture is Individual responsibility. Each of the Youth Forum participants should take these recommendations for future action back to their own countries and regions to advocate and work on their implementation. This can be done by creating networks with other young people, NGOs, parliamentarians, government representatives and individuals who attended the Hague Forum. Young people should work in partnership with parliamentarians, NGOs and governments to realize and implement these recommendations in the countries they live in. Global and regional partnerships must be achieved in order to fully implement the ICPD Programme of Action.

Young people should also make efforts to realize the recommendations for future action in

their own programs and projects of their youth organisations. As such, they can collaborate within their existing networks in their country and mobilize the resources to which they already have access.

YOUTH FORUM PARTICIPANTS CAME FROM THE FOLLOWING COUNTRIES:

Africa

Botswana
Burkina Faso
Burundi
Cameroon
Central African
Republic
Djibouti
Equatorial Guinea
Eritrea
Gambia
Ghana
Guinea
Kenya
Liberia
Madagascar
Malawi
Mali
Mauritania
Namibia
Niger
Nigeria
Rwanda
Senegal
South Africa
Sudan
Tanzania
Togo
Yemen
Zambia
Zimbabwe

Arab States

Algeria
Bahrain
Egypt
Jordan
Lebanon
Morocco
Palestine
Syria
Tunisia

Asia & Pacific

Australia

Eastern Europe

Albania
Armenia
Azerbaijan
Bulgaria
Kazakhstan
Latvia
Macedonia
Romania
Russian Federation
Tajikistan
Turkey
Turkmenistan
Ukraine
Uzbekistan
Yugoslavia

Europe

Denmark
France
Iceland
Norway
Portugal
The Netherlands
United Kingdom
Sweden

Latin America and the Caribbean

Argentina
Bolivia
Brazil
Chile
Costa Rica
Cuba
Ecuador
El Salvador
Guatemala
Guyana
Haiti
Honduras
Jamaica
Mexico
Nicaragua
Panama

Bangladesh
Bhutan
Cambodia
China
Fiji
India
Indonesia
Iran
Korea
Laos
Malaysia
Maldives
Mongolia
Myanmar
Nepal
New Zealand
Pakistan
Philippines
Sri Lanka
Thailand
Tonga
Vietnam

Peru
St. Kitts
Surinam
Uruguay
Venezuela

North America

Canada
United States of America

The Youth Forum was organised by the World Population Foundation (WPF) in collaboration with UNFPA and was co-hosted by the Dutch Council on Youth and Population. The Youth Advisory Group, comprised of 11 young people from all regions of the world, advised WPF on all aspects of the planning process and provided a youth perspective on developing the key issues addressed in the Youth Forum.

 **Back**

Hague Forum's single-minded focus on population control and abortion. In a February 16 press release, Mosher, who has written for *Inside the Vatican* on this problem, said, "The most pressing demographic problem is not overpopulation, but underpopulation. Fertility rates have fallen below replacement level in much of the Third World. In the First World, the population of many countries is actually falling." The press release continued, "Hillary Clinton, as well as UNFPA representatives, took advantage of the Hague Forum to call for more US funds for global population control efforts. Mrs. Clinton also described as 'coercive' efforts to restrict federal funds from providing universal access to abortion, which she described as a 'basic human right'."

Mosher said, "The radical population control agenda of the Hague Forum ignores the most pressing demographic issues of our age. The Forum ignored the 'greying' of the world's population, and threatened collapse of pension funds in the US and elsewhere, and the depopulation of the developed world. To promote abortion as a means of population control in countries where it is illegal is a violation of national sovereignty. Coercive family planning is a real problem in many parts of the world like China, where the government forcibly aborts and sterilizes women who get pregnant without permission."

So the feverish and defensive attitude of the population agenda is irrational and ignores the facts, but then every effort to build a New World without reference to God always leads to totalitarianism — and from the most noble-

sounding language. And the manipulation of language was one of the most frequent games played at this conference — to make the hideous sound laudable. The devil hates God, but he can't get at God so he does what (to him) is the next best thing. He hurts what God loves: people. The idea of procreation is to populate Heaven with saints, so to foil that plan makes devilish sense.

But the world's real problem is not too many people, but too much sin — for instance, greed, which leaves some with too much and others with not enough, or lust, which, when indulged, as Scripture says, starves the fool. Which is another way of saying addiction.

The Western World is greedy and sex-mad, and will not settle for answers that call for restraint, any more than a drug addict will give up his needle.

So the world's answer is that others must go — or be prevented from coming into being. Despite wild concerns about over-population, I did not hear anyone volunteer to commit suicide for the cause (that may be next), but the unborn are expendable. Never mind that the technology exists to save *both* mother and child.

No, unbridled sex with no children is the answer to our problems, and it is a counsel of despair, in stark contrast to the Pope in St. Louis last January telling young people to live chastely to deafening and sustained cheers.

No, playing God is a dangerous game.

At the end of this bloodiest of centuries now awash in the blood of the abortion genocide you'd think we'd have learned.

"KICK HIM OUT!"

WHEN A MOSLEM JOURNALIST BEGAN TO EXPLAIN TO SOME YOUNG PEOPLE WHAT THE DOCUMENTS THEY WERE VOTING ON REALLY MEANT, HE WAS EXPELLED FROM THE PREMISES. A PLEA FOR FULL YOUTH REPRESENTATION

by Jane Adolphe

Approximately 132 young people from around the world huddled together in early February at the Youth Forum in Netherland's Congress Center, The Hague, discussing sex. The two-day Youth Forum ran parallel to the NGO Forum and just prior to the Hague Forum held February 8-12. The meetings were to review efforts made since the 1994 International Conference on Population and Development held in Cairo.

The words of these young people were revelatory of how amoral the modern world has become.

In the working group on human rights, a Mexican girl said: "When we were going to have a party, I went to get a bag full of condoms from the health center. The person there asked me questions such as: What is your name? Where do you live? Do your parents know? While I am confident speaking about my sex life, I can just imagine what the experience could have done to another person not so confident. The person asked these questions with a sort

of sneer on his face." This youth lobbied strongly for inclusion of the "right to sexual pleasure," contending that too much emphasis had been put on procreation. In a special working group on reproductive health services, an African youth stated: "When we go to a health center to get information, we don't want to see our parents or relatives."

Talks emphasized the need for sexual "confidence," "freedom of expression" and breaking down barriers such as "judgmental" attitudes. No mention was made of the primary role of parents and family in educating youth.

Pam Foster, a representative of the World Population Foundation, explained the Youth Forum process. The UN Fund for Population and Development asked Youth NGO's (non-governmental organizations) around the world to proffer names of youths to join the UN-sponsored Youth Advisory Group. Eleven people were eventually chosen. The group was then "trained" by the UN Population Fund and "educated" on the pertinent issues in two separate working sessions held in New York and The Hague.

The group then created the selection criteria for other youth participants. Approximately 130 youths were subsequently selected from about 350 applicants. The selection criteria requested specific information about the applicant's values and general information about the youth's NGO.

The Youth Forum focused on four key themes: education, sexual health, reproductive health, and violence. The youths in Youth Advisory Group acted as panel speakers and directed working group discussions along with UN officials who acted as group moderators. These youths were then broken up into thematic working groups — human rights, gender equality, democracy and government — each

group directed again by Youth Advisory Group members and a UN Population Fund official.

The first draft of the final report was completed the second day of the Youth Forum. It had been drafted by 16 *Rapporteurs*, then revised and adopted by majority vote in the plenary session — a departure from UN rules favoring consensus documents. But due to problems, discussed *infra*, the report was not released until days later.

During discussions, one of the UN Population Fund stars, Ziena Nitasha Jalil, a 16-year-old from Fiji, gave an accomplished presentation outlining why parents should have no control over their children's sexuality. That was what the "reproductive health services" working group had concluded, she said.

Her presentation was clear, articulate, concise... and well-received by UN officials, one of whom complimented Ziena on the presentation prior to inviting her to a UN Population Fund meeting.

Ziena has been with the UN Population Fund program for more than a year. She says that in her culture, talking about sex is still taboo, but that she now believes everyone should have the "right to choose" and that it is "never too young to start learning about sexual health and reproductive rights."

When asked, in an interview, whether what was discussed in the working group was applicable to 12-year-olds, she retorted "no." But not for the reasons the general public might expect. Should a child's views be respected to the point of court action against the parents? No response. Wouldn't court action brought against parents divide families? "Yes, but they are probably already divided if they don't respect the views of their child."

Ziena's responses mirror phrases and concepts published in UN Population Fund literature and advocated by UN Population Fund officials.

Foster of the World Population Foundation observed that the Youth Forum was filled with "convention veterans." She said that in the future efforts must be made "to broaden the participation base." But the question is: Will the base be broadened to include the voices of youth who insist that the role of family, the basic unit of society, is founded on marriage? That "sexual pleasure" beyond the marriage bond is immoral? That sexual relations between people of the same sex are "unnatural sexual relations"? That sex education teaching personal self-control and voluntary abstinence should be the pillars of any family planning programs? That abortion is the killing of the unborn and should therefore be illegal?

Youth Forum Participation

The World Assembly of Muslim Youth, though not a participant, was disturbed by the course the Forum took. In a press release distributed at the The Hague Forum, the group stated that "The Youth Forum calls for permitting 'Sexual Pleasure' beyond the marriage bond and approves all kinds of 'Unnatural Sexual Relations'... Adultery is a crime that cannot be legalized as well as the killing of the unborn... Linking the topic of Development with the legalization of 'Unnatural Sexual Relations' is wrong and... means to destroy human morality at large."

Bachar Jamali, a Moslem law student and correspondent for an Arabic magazine, was present — for a time. In a press release, he details what happened to him. While interviewing Islamic representatives, he told the youths he thought the final youth recommendations contained "language offensive to Islamic culture." UN officials warned him to "stop interfering." He was then followed around the conference, and, the press release states, "when he complained, he was lured to a back room and beaten by United Nations [Security] Guards... in the presence of United Nations officials." Jamali says he intends to pursue legal action against the United Nations.

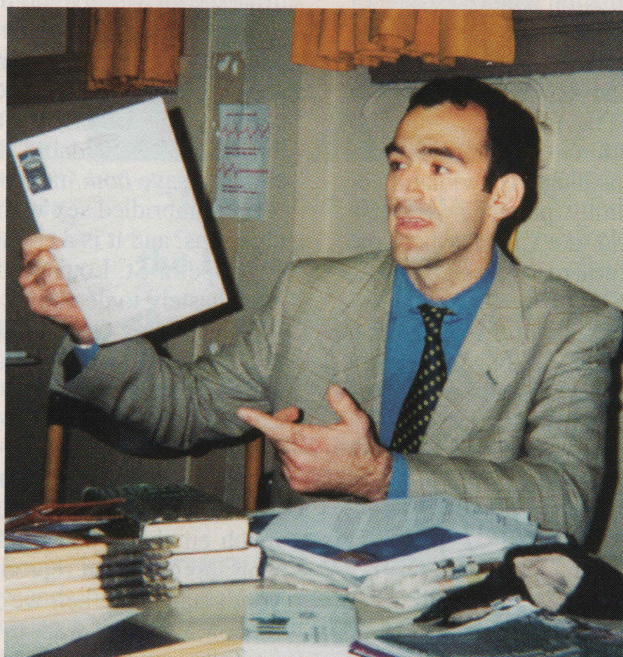
The Youth Forum newsletter, *Watchdog*, saw nothing improper in Jamali's expulsion. The newsletter reported that "Mr. Jamali attempted to sow discord among the delegates regarding their recommendations" at a party celebrating the end of their deliberations.

Jamali, *Watchdog* says, suggested to "the Arab State delegates that 'freedom to sexual expression and orientation' tolerated sex outside of marriage and homosexuality. The Arab delegates had already raised their objections during the final plenary, but were outruled by the majority of the Forum. However, the journalist managed to raise their concerns, for they felt their objections based on religion and culture would not be reflected in the document. And the Syrian journalist? He has been expelled..."

The final youth report was still not available for the press conference held four days after the Youth Forum.

A draft copy of the youth report recommended that school sex education should be mandatory at all levels and should cover such things as "confidence," "freedom of sexual expression," "sexual orientation" and "abortion."

A journalist asked how the draft could call for these things since they run contrary to specific provisions in the Cairo Programme of Action. Corrie Shanahan, a UN



Bachar Jamali (above), a pro-life Moslem law student and correspondent for an Arabic magazine. After he explained to Moslem youths attending the Youth Forum the meaning of terminology used in the Youth Forum document — that "sexual orientation" referred to homosexuality and that "reproductive rights" included premarital sex and abortion — he was expelled from the conference

Population Fund official, took cover. "There have been problems in translation," she said, and time constraints, and "now some groups have decided that they finally agreed to something they wanted to further discuss."

Responding to another question, a youth representative said the biggest differences in opinions among the young people concerned "abortion, emergency contraception, sexual orientation and homosexuality... the same differences as NGO's and government delegations are having."

It is important to note that, after the Moslem journalist was expelled from the main Conference, an extraordinary session of the Youth Forum was called to consider recommendations 1 and 7 of the Sexual and Reproductive Health Section. Reservations were entered by 16 Youth NGO's. On the 1st recommendation, 55% of the participants voted for inclusion of the phrase "sexual orientation" while 44% opposed. With respect to the 7th recommendation, 52% of the participants voted for inclusion of the word "abortion" while 44% opposed. Both recommendations are contrary to the 1994 Cairo Programme of Action.

These recommendations are those which the Moslem journalist was explaining to the Moslem youths when UN authorities intervened. The question is: Why did this journalist get expelled from the conference? Because he was not "a *bona fide* journalist," as the UN Population Fund claims? Or because of his efforts to expose the UN Population Fund agenda to Moslem youths?

Youth Forum Final Report

The Youth Forum issued its report four days late and with six reservations. The report promotes sexual relations outside of marriage — including homosexuality — and emphasizes sexual pleasure and sexual freedom of expression. Governments are called on to increase sex education spending and enact education regulations to protect and promote these activities beginning with primary school children.

Under the Section "Sexual and Reproductive Health" the first recommendation states: "Comprehensive sexual education in schools should be mandatory at all levels. This should cover, as appropriate, sexual pleasure, confidence and freedom of sexual expressions."

In the Section "Education," the first recommendation states: "Before the end of primary school, the school curriculum should include... sexual and reproductive health and rights" and "Governments must provide education regulations to meet a quality of education which: (a) includes all sectors of youth without discrimination (e.g. discrimination on the basis of... sex, sexual orientation, sexual activity...). (b) promotes awareness of sexual health education issues...." Further, the Youth Forum document said, a "Gender Facilitator" should be established in all school systems "to break down negative gender stereotypes, to educate on sexual and reproductive rights."

What about parents, families and religious leaders? According to the Report, they must be "enlightened," "educated" and "sensitized" to the rights of youths.

The Youth Report clearly adopts the positions of Youth Forum sponsors — UN Population Fund, the World Population Foundation and The Dutch Council on Youth and Population.

Perhaps one of the most disturbing documents distributed at the Youth Forum was that published by this latter sponsor. Entitled "Sexual and Reproductive Choices For Young People in the Netherlands," the document promotes a liberated sexual lifestyle for children, a trend not yet openly promoted by the Canadian and American governments. Here are some excerpts from this document:

- "Information regarding reproductive and sexual health is available at all kinds of places, some of which are easily aimed at and more easily accessible to young people. The government advertises on television, radio, and billboards for contraception and informs about HIV/AIDS and... STD's... Most schools give sex education."

- "Contraceptives are available in a wide range of varieties. Regardless of your age, you don't need permission from your parents."

- "Abortion is safe and legal... You don't need permission from your parents and the clinic won't tell your parents."

- "There are many different ways to have a relationship. Quite a few couples in the Netherlands live together without getting married... It is also not necessary to get married if you're pregnant or already have a child... Homosexuality is entirely legal and homosexual couples can marry as well." (What about the family based on the bond of marriage? Marriage is entered into "simply for financial reasons" and will serve no purpose once these financial benefits are eradicated.)

- "Naturally, there are still plenty of ways to improve the situation in the Netherlands. Some young people from certain religious or conventional groups are not permitted by their parents to decide when and with whom to have a relation and to have sex."

- "Married couples have certain legal and financial rights that couples who live together don't have. However, these differences are being reduced more and more."

Is the UN Population Fund pushing its agenda through youth? The UN Population Fund agenda, which calls for state promotion of abortion, of a contraceptive mentality, of sex education for children and of homosexual relationships, has met with strong opposition from pro-life and pro-family forces at major UN conventions. To date, these forces have effectively tempered the full promotion of the UN Population Fund agenda at UN Conventions.

However, these forces were not present at the Youth Forum. The reason for this is simple. Many pro-life and pro-family forces ignored the Youth Forum. This is not surprising given that youth have traditionally been a relatively powerless group in our society and that the Youth Forum is a new UN initiative. Perhaps these factors help explain why it was held in a remote part of the building far from "the main action"; why youth information and scheduling details were not included in conference information packages; and why the Youth Information Desk was situated in the basement instead of the main floor where other information desks were located. Or perhaps there was another reason why the youth were secluded away from the public eye? Should we ask the UN Population and Development Fund?

Jane Adolphe, a Canadian, an attorney and journalist, is pursuing further studies at the Pontifical University of the Holy Cross in Rome.

Point of View

U.N. Population Fund's Sexual Agenda

By John Mallon

STIRLING Scruggs, in his letter ("Your Views," April 19) responded to my Point of View ("U.N. Idea Makes Families Yield Control," March 17). He claims "The UNFPA (United Nations Population Fund) does not have an 'agenda.'" If this is so, why was there a quota of four (out of 800 slots) on the number of pro-family/pro-life Non-Governmental Organizations (NGOs) admitted to the February Hague Forum in the Netherlands, as acknowledged by Marianne Haselgrave, who handled NGO accreditation?

Scruggs's letter invokes the Cairo 1994 International Conference on Population and Development Programme of Action as the mandate of UNFPA's mission. He claims the programme PoA was adhered to by the Holy See and approved by 179 nations, most of them developing nations. He doesn't say the PoA was only approved because the Vatican and 22 (mostly developing) nations did so with 33-36 serious reservations, and only with the addition of the "Cairo Chapeau," which preserved national sovereignty.

The Cairo Chapeau all but disappeared in The Hague and when national delegates raised objections they were practically ignored, or rudely treated. Why was the Holy See, when raising concerns like clean water, care of refugees and migrating peoples, comprehensive

health care, and education as means for women's advancement, booed and hissed? It was because the UNFPA droned on obsessively about "Sexual and Reproductive Rights" (code words for abortion and contraception) to be established as basic human rights, while religious traditions opposing this were spoken of openly as "obstacles." I heard this with my own ears.

Talks in New York in March broke down because of the concerted efforts of the UNFPA and the developed nations (the United States, Canada and the European Union) to push the negotiations beyond the limits of the PoA language, in direct contradiction of their mission from the General Assembly. (In one incident, Bill Clinton's U.S. delegation tried to have the word "responsible" removed from the phrase "responsible sexuality.") The G-77 nations (the developing world) and the Holy See courageously stood against this bullying.

According to Scruggs, my comments on adolescent "sexual rights" have no merit. He speaks of the PoA promoting parental oversight and responsibility — he doesn't say parental rights. In UN-speak, the devil is in these distinctions.

The U.N. indeed defines adolescence as being the second decade of life beginning at age 10. Further, The Report of the Youth Forum,

ICPD+5, from The Hague, states: "Comprehensive sexual education should be mandatory at all levels. This should cover sexual pleasure, confidence and freedom of sexual expression and orientation." Confidentiality is key, meaning confidentiality from parents. This violates the 1948 U.N. Universal Declaration of Human Rights which says "Parents have a prior right to choose the kind of education that shall be given to their children." (Art. 26.3)

Bachar Jamali, a 26-year-old Muslim law student and credentialed journalist, informed participating Muslim youths that "Sexual and Reproductive Rights" included premarital sex and abortion, and "orientation" in this context meant homosexuality, activities all forbidden by Islam. Hearing this, the Muslim youth revolted.

For this, Jamali was detained by uniformed U.N. security guards, who allegedly removed their name badges, slammed him against a wall, and the floor, while he was handcuffed, stripped him of his press badge and expelled him from the conference.

Some have alleged that Scruggs supervised Jamali's treatment.

There is an ongoing U.S. Congressional investigation of Scruggs and the UNFPA.

Mallon, of Oklahoma City, is an editor for Inside the Vatican, a magazine.

Bachar Jamali, correspondent
e-amil: Jamalib@hotmail.com

The Secretary General
United Nations
One United Nations Plaza
New York, New York USA

The Hague, February 10 1999

Dear Sirs:

I, Bachar Jamali, wish to make a formal complaint due to the treatment I received at the United Nations conferences of February 8-12 1999, in The Hague Netherlands, referred to in this complaint as The Hague Forum.

I attended The Hague Forum as a correspondent for an Islamic News Service and interviewed a number of youth during the first conference, The Youth Forum. Upon learning that the document issued at the Youth Forum contained language that is offensive to people of Islamic culture I asked youth delegates about this language. As a result of my questions, many Islamic delegates became upset about this language. I believe this caused problems with the United Nations Population Fund people and security at the conference.

On Tuesday, February 9, I was followed by a woman as I moved about the conference. I asked her why she was following me and I later complained to United Nations officials about being followed. They asked me to come aside with them. We entered an area away from the main proceedings. United Nations security arrived, closed off the area, and said I would be thrown out of the conference for interfering. They demanded my press badge. I refused to surrender it, asking them what I had done to cause them to throw me out. Immediately four security men took me to the ground, throttled my neck, handcuffed my hands, twisted my legs up toward my head and beat and knelt on my prone body. I cried for help and for them to stop in the name of God. They did not. When Dutch police arrived I was released. I filed a complaint with the police. This is not the way an organization that claims to uphold human rights should treat a journalist whose only crime was to ask questions and speak the truth.

I officially file a complaint and urgently request you to answer me. I arranged legal protection. Please contact me concerning this. I also request you to return my press badge immediately. I will inquire at the media desk tomorrow morning. I informed the international press and the delegates how you treated me. I send you my press release and also the declaration of the Secretary General of the World Assembly of Muslim Youth, who is also informed about your policies and treatment. I can be reached at my hotel till this friday phone 070-3654385, fax 070 3924025.

Sincerely,

Bachar Jamali

Bachtar Jamali

Pressrelease Abuse
Declaration World Assembly of Muslim Youth



بسم الله الرحمن الرحيم
الندوة العالمية للشباب الاسلامي
World Assembly of Muslim Youth

جاءل جده
منايه جده
شارا كالي

رقم 8220
تاريخ 19-10-24

PRESS RELEASE

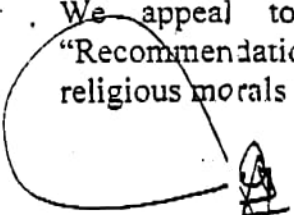
The World Assembly of Muslim Youth (WAMY) urges all the Muslim and the Arab delegations to defend the Islamic values and norms which are based on the unchangeable Islamic law and the Shariah during the discussion at the Hague Youth Forum on Population and Development being held now to follow-up the recommendations of the Cairo Conference for Population and Development (ICPD) that was held in the year 1994, and to prepare for the New York Conference.

The announcement made by the Youth Forum calls for permitting the "Sexual Pleasure" beyond the marriage bond and approves all kinds of "Unnatural Sexual Relations".

Adultery is a crime that cannot be legalized as well as killing of unborn babies through abortion. These moral crimes are not permissible.

Linking the topics of Development with the legalization of "Unnatural Sexual Relations" is a wrong and prejudiced stand and a means to destroy the human morality at large. It is intolerable that UNO Fund for Population and Projects is opposing religious norms, and moral values that are the safety valve of the future of mankind.

We appeal to all of you to voice your opposition to the "Recommendations" that are against Islamic values as well as the religious morals of the world.


Dr. Maneh Al-Johani
Secretary General



P.O. Box 10845 Riyadh 11443 - Prince Al Sulaz Bin Mosaid Bin Jelawi St.
Sulaimaniya - Saudi Arabia - Tel. (01) 4 41669 (4) Lines / 4655431
Tlx.: 400413 / 405220 ISLAMI SJ. - Fa.: (01) 4641710
Cable: ISLAMIAH RIYADH
E-Mail: WAMY@KACST.EDU.SA

من اب ١٠٨٤٥ الرياض ١١٤٤٣ - شارع الأمير عبد العزيز بن مساعد بن جلوي
السليمانية - المملكة العربية السعودية - هاتف ٤٦٤١٦٦٩ (٠١) أربع خطوط / ٤٦٥٥٤٣١
تلكس ٤٠٠٤١٣ / ٤٠٥٢٢٠ إسلامي إس جي - فاكس ٤٦٤١٧١٠ (٠١)
برقيا - إسلامية الرياض

URGENT!

To: Congressman Christopher Smith

Fax: 202-225-7485

From: Drs. Bert Dorenbos

Fax: +31 35 6249141

The Hague, The Netherlands
Thursday, February 11, 1999

Dear Congressman Smith,

We are involved in the serious matter of the abuse by United Nations officials of Mr. Bachar Jamali while present at The Hague Forum held this week in The Netherlands. I am sending to you: Mr. Jamali's formal letter of complaint, our Press Release on February 10, Press Release by the World Assembly of Muslim Youth, and a negative story about Mr. Jamali circulated at the conference center.

A staff reporter for the conference center obtained a number of photographs while U.N. security officials expelled Mr. Jamali a second time yesterday. Further negative and inaccurate articles and reports are expected. Photographs of the incident obtained by Sharon Turner are available for your use.

We are contacting you as Chairman of the Subcommittee on International Operations and Human Rights of the International Relations Committee and Helsinki Commission of the United States House of Representatives. No person, at any time, or in any place should be subjected or at risk to the treatment Mr. Jamali received and continues to receive.

Mr. Jamali deserves our full commitment in his behalf for the sake of righteousness and justice as would be proper and equitable. We are ready to make this commitment.

We ask for your participation. Your expert and most valued care is needed. Can you advise us if this matter should be directed to the International Court of Justice?

 Palm 2.

WILLIAM F. GOODLING, Pennsylvania
 JAMES A. LEACH, Iowa
 HENRY A. HYDE, Illinois
 DOUG BIRNBAUM, New Jersey
 CHRISTOPHER H. SMITH, New Jersey
 DAN BURTON, Indiana
 ELTON GALLEGLY, California
 LESANA ROSS-LEIGHTON, Florida
 GARY BALLINGER, North Carolina
 DANA ROHRBAUGH, California
 DONALD A. MARSHALL, Illinois
 EDWARD R. ROTHMAN, New Jersey
 PETER T. KNOX, New York
 STEVEN J. CHABOT, Ohio
 MARSHALL "MARK" SANFORD, South Carolina
 MATT SALMON, Arizona
 AMO MCHUGHYON, New York
 TOM CARPIS, California
 JOHN M. McLEIGH, New York
 KEVIN BRADY, Texas
 RICHARD BLUM, North Carolina
 PAUL GELMOR, Ohio
 GEORGE RADANOVICH, California
 JOHN COCKREY, Louisiana
 TOM TANGREDO, Colorado

RICHARD J. GARCH
 Chief of Staff

ONE HUNDRED SIXTH CONGRESS
 CONGRESS OF THE UNITED STATES
 COMMITTEE ON INTERNATIONAL RELATIONS
 HOUSE OF REPRESENTATIVES
 WASHINGTON, DC 20515

TELEPHONE: (202) 225-3021

February 10, 1999

TOM LANTOS, California
 HOWARD L. Berman, California
 GARY L. ACKERMAN, New York
 EDWARD J. MARKEY, Massachusetts
 MATTHEW G. MARTINEZ, California
 DONALD M. PAYNE, New Jersey
 ROBERT D. DODD, New Jersey
 SHELDON BROWN, Ohio
 CYNTHIA A. ROSENTHAL, Georgia
 ALBERT L. HARTMAN, Florida
 PAT DANNER, Missouri
 EARL P. WILAND, Alabama
 BRAD BERNARD, California
 ROBERT WEXLER, Florida
 STEVEN R. ROTHMAN, New Jersey
 JIM DAVIS, Florida
 EARL POMEROY, North Dakota
 WILLIAM D. DELAHUNT, Massachusetts
 GABRIEL W. GORAN, New York
 BARBARA LEE, California
 JOSEPH H. COFFEE, New York
 JOSEPH M. COFFEE, Pennsylvania

RUTHEN BERTSEN MOAZZ
 Director of Staff

BY FACSIMILE

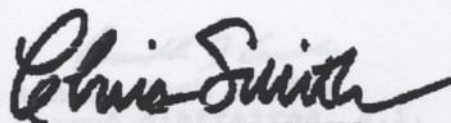
The Honorable K. Terry Dornbush
 United States Ambassador
 The Hague, Netherlands

Dear Ambassador Dornbush:

I am enclosing copies of a press release and a letter regarding the alleged assault of Bachtar Jamali, a correspondent attending the current United Nations Hague Youth Forum on Population and Development, by United Nations security personnel. I am keenly interested in knowing what steps are being taken to investigate this incident, as well the findings of any such investigation.

Thank you very much for your consideration.

Sincerely,



CHRISTOPHER H. SMITH
 Chairman, Subcommittee on International
 Operations and Human Rights

Attachment: as stated

The Honorable Christopher H. Smith
 Chairman, Subcommittee on International
 Operations and Human Rights
 United States House of Representatives
 Washington, D.C.



Embassy of the United States of America

The Hague

February 18, 1999

Dear Mr. Chairman,

Thank you for your letter of February 10 concerning the alleged assault on journalist Sachtar Jamali by UN personnel at the United Nations Hague Youth Forum on Population and Development. Upon receipt of your letter, an Embassy officer spoke to UNFPA Forum Coordinator Stirling Scruggs to inquire about the incident and asked what steps were being taken to investigate. Mr. Scruggs forwarded to us a letter to this effect the following week, which we attach.

Please be assured that we will contact you further with any additional significant developments.

Sincerely,

Arnold J. Croddy
Arnold Jack Croddy
Chargé d'Affaires, a.i.

Attachment: as stated

The Honorable Christopher H. Smith
Chairman, Subcommittee on International
Operations and Human Rights
United States House of Representatives
Washington, D.C.

18 FEB 99 15:58 NO.014 P.01

ID:31703109348

7/ECDN/THE HAGUE



بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

الاتحاد الاسلامي لأمريكا الشمالية

THE ISLAMIC SOCIETY OF NORTH AMERICA

April 14, 1999

His Excellency
Mr. Kofi Annan
Secretary General - United Nations
One United Nations Plaza
New York, USA

Your Excellency:

It has been brought to our attention by **Mr. Bachar Jamali** a correspondent for the Islamic Future Magazine and an attendee of the United Nations Population Fund Hague Forum which took place on February 8-12, 1999, that he was assaulted while at the conference.

Mr. Jamali stated that during the conference he interviewed a number of youth, and informed them that the document issued at the Youth Forum contained offensive language to those of the Islamic faith.

As a result of his interviews, Mr. Jamali claims that on Tuesday, February 9, 1999, he was assaulted by UN security guards at the Hague. Mr. Jamali has filed a complaint with the Dutch Police and the matter is being investigated by Dutch authorities.

We request that the United Nations also launch a thorough investigation into the incident involving Mr. Bachar Jamali.

The Islamic Society of North America joins the World Association of Muslim Youth from Riyadh, Saudi Arabia, in its unhappiness and disappointment upon learning of this unfortunate event.

We hope the United Nations gives due attention to this matter.

Sincerely,

Dr. Muzammil H. Siddiqi
President



البعثة الدائمة لمراقبة المنظمة المؤتمر الإسلامي لدى الأمم المتحدة

OIC/AD-044/99
31 March 1999

Mr. Brian Kelly
IERD, UNFPA
220 East 42nd street
New York, NY 10017

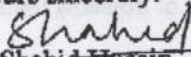
Dear Brian,

I am sorry for this delay in acknowledging your letter of 24 February concerning events at the recently convened Youth Forum and the UNFPA organized intergovernmental forum at The Hague.

We appreciated and, if I may say, were comforted by your assurance that "Homosexuality is not mentioned in the ICPD Programme of Action and thus has no place in any of the discussions in any of the various forums", and that, in so far as UNFPA is concerned, the intergovernmental segments of the Hague forum were not intended to reopen the Programme of Action but only to consider its future implementation. The report of the Hague forum is presently being considered by the UN Commission on Population and Development while it meets as the Preparatory Committee for the General Assembly's Special Session scheduled for the 30 June-2 July period. We are, in coordination with our 56 member States and 4 Observer States, actively observing the proceedings and will be glad to share with you and other friends in UNFPA our reactions in the near future. But let me say, again, that your detailed explanation was truly appreciated.

As regards Mr. Bashar Jamali's experiences, which were brought to our notice by Professor Richard Wilkins' letters of 8 and 10 February, we have read your understanding of what transpired. At this stage perhaps the most prudent course of action would be to pass on a copy of your letter to Professor Wilkins and hope that better wisdom will be mobilized in diffusing any remaining tensions, and in ensuring that such unfortunate experiences are avoided in the future by the exercise of better coordination, more tolerance and sound public relations efforts among all concerned.

With best regards, and greetings
Yours sincerely,


S. Shahid Husain
Senior Adviser

J. REUBEN CLARK LAW SCHOOL
BRIGHAM YOUNG UNIVERSITY
PO BOX 28000
PROVO, UTAH 84602-8000
(801) 378-4274 / FAX (801) 378-3595



February 10, 1999

This Fax consists of 4 pages, including this page

Sent Via Fax
Fax No. 41 22 731-69-47

Professor Osman El Hajjé
Permanent Delegation of the League of Arab States
Rue du Valais 9
1202 Geneva Switzerland

Dear Professor El-Hajjé:

Bachar Jamali, a Muslim law student, has been in The Hague, Netherlands since February 8, 1999. Mr. Jamali is attending the United Nations Youth Forum as a correspondent for an Arabic magazine. While at the Forum, Mr. Jamali pointed out to Muslim youth attending the Forum the following language contained in the Youth Forum's "Suggestions For Further Action:"

"Comprehensive sexual education in schools should be mandatory at all levels.
This should cover sexual pleasure, confidence and freedom of sexual expression
and orientation."

After Mr. Jamali interviewed several participants regarding this language, many Muslim countries voiced disagreement with the Youth Forum document. Apparently this angered certain UNFPA officials. On the afternoon of February 9, four UN security guards attacked Mr. Jamali. Attached is a copy of Mr. Jamali's statement, and Press Releases from Rainbow News and the World Assembly of Muslim Youth.

We request that you bring this matter to the attention of the Secretary General and the UN General Assembly. Individuals and organizations who discuss public proposals at UN meetings should not be subjected to physical abuse. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read "Richard G. Wilkins".

Richard G. Wilkins
Professor of Law
Director, NGO Family Voice

BYU hosts forum on preserving family rights

 universe.byu.edu/1999/01/18/byu-hosts-forum-on-preserving-family-rights/

January 18, 1999

By ANDREW JACKSON and MELINDA SEMADENI

Ambassadors and delegates from four continents and 25 nations met last week at BYU to discuss how family rights are being represented in the global community.

BYU's NGO Family Voice co-sponsored the three-day World Family Policy Forum, in preparation for this November's World Congress on Families in Geneva, Switzerland. Last week's forum attracted 52 leaders who seek to protect the family as the basic unit of society at every level of government.

NGO Family Voice is a group organized to counter growing threats to religion, culture and international family stability. NGO members, like BYU's Family Voice, participate in United Nations conferences and other world conferences affecting family life.

Last December, BYU's NGO Family Voice qualified as a lobbyist to the UN by obtaining non-governmental organization status, BYU professor Terrance Olson said.

"An NGO is a lobbying group that seeks to give input on UN documents, information papers, proposals, declarations and position papers," Olson said.

NGO Family Voice will have an official voice at UN conferences concerning development, population affairs and the family, Olson said.

Mokhtar Lamani, representative for The Organization of Islamic Conference to the UN, attended BYU's forum. Lamani said he was very optimistic about being directly involved in the work to defend family values.

"This forum is part of the silent majority. They need such meetings to defend the family, to preserve the family, to preserve the things everyone in the world is sharing," Lamani said.

Emmanuel D. Babatunde, an associate professor at Lincoln University, spoke on the implications of strengthening the family during international development.

"This forum must continue to revise this tendency of the breakdown or the criticism of traditional values," Babatunde said.

Bachar Jamali, special assistant to NGO Family Voice, said they are doing the work of defending values that are falling apart in the West and probably throughout the world.

"This forum is trying to promote family-friendly laws through the UN system by trying to make them aware of the implications of the terms in the international laws," Jamali said.

It is remarkable how often UN documents are not family-friendly, Olson said.

"A UN document on the status on women's rights doesn't take into account that the majority of women are married and have children. They write as if all women were not part of a family," Olson said.

NGO Family Voice plans to host an annual World Family Policy Forum the second week of each January at BYU.



INTRODUCTION: WORLD FAMILY POLICY FORUM

By Professor Richard G. Wilkins

January 13, 1999

My name is Richard Wilkins. I am a Professor of Law at Brigham Young University and one of the Directors of NGO Family Voice. I have a few preliminary details to address, and then it will be my honor to welcome you formally.

You should have received a packet of information upon arrival at the hotel, supplemented by various materials received at registration this morning. I will touch upon a few matters covered in that information, clarifying some details of the Forum.

First, if you have any questions regarding your stipend, housing, or transportation, please contact Florence Beal at the registration desk.

Second, we wish to make every effort to accommodate the needs of those who are celebrating the Holy Month of Ramadan. An Al Eftar meal will be provided at sunset each evening, and we have arranged prayer facilities here at the Conference Center. Please advise me or Bachar Jamali of any additional special needs you may have. I also want to extend special thanks to Mr. Jamali, who has worked tirelessly the past six weeks pulling together various details of this Forum.

Third, we have scheduled optional activities each evening and on Saturday. Tonight, there will be a banquet and entertainment at the Sky Room. Thursday

Appendix 4

In this appendix, I compare the conclusions of WHO's Technical Paper on Gender & Health with two of the sources cited by the WHO study, *The Cultural Construction of Sexuality*, Edited by Pat Caplan, Tavistock Publications 1987; and *Slow Motion Changing Masculinities, Changing Men*, by Lynn Segal, Rutgers University Press 1990. These sources reveal that ambiguous language in the WHO study will probably become code language to be used to create political rights that reflect the gender identity politics of radical feminism discussed above—rights, for example, which include sexual orientation and abortion rights.

The Cultural Construction of Sexuality: p.1

Sex, sexuality, and gender.

The word 'sex' has different meanings. In common parlance, it supplies to the categories of male and female (as in 'the female sex'). In this regard, it is often thought in western society to be a 'natural' quality, and hence one that cannot be changed. However, in recent years, a distinction between sex, in the physical sense, and gender, which is a cultural construct, a set of learned behavior patterns, has been proposed and is now widely used. Much work over the past two decades, particularly by feminist scholars, has examined the relationship between sex in this sense, and gender.

Compare with:

Gender and Health: Technical Paper:

In biological terms, what distinguishes women from men is the differences between their reproductive systems. These anatomical and hormonal variations are the basis upon which individuals are allocated to a particular sex. However, they represent only a part of the complex set of criteria by which we all learn to distinguish femaleness from maleness. Equally important are the socially defined characteristics that different cultures assign to those individuals defined as female and those defined as male i.e. gender. p.10

Gender

Refers to women's and men's roles and responsibilities that are socially determined. Gender is related to how we are perceived and expected to think and act as women and men because of the way society is organised, not because of our biological differences.

Sex

Genetic/physiological or biological characteristics of a person which indicates whether one is female or male. p.11.

The Cultural Construction of Sexuality:

"What is the relationship between ... sexuality, and gender? ... In our society, heterosexual relations are seen as the norm, and homosexual relations are stigmatized. Nonconformity to the norms of heterosexuality threatens the dominant ideology's view of sex as 'innate' and 'natural'.

Male homosexuality threatens male solidarity and superordination because some men take on what are thought of as female characteristics. Lesbianism is likewise seen as threatening to male superiority because the women who engage in it appear not to need men.” p. 1-2

“We are constantly tempted to dichotomize, and to hierarchize those dichotomies. Sexuality is thought of in terms of binary opposites: male-female, heterosexual-homosexual, marital-extra-marital, and in each case, one of these pairs is privileged, is seen as the ‘normal’. p.20

The Cultural Construction of Sexuality: p.23

Part of the problem of sex for many societies is that (at least in its heterosexual form) it can lead to pregnancy.... In the west on the other hand, where the desire for children is much less, and where contraception can help to control fertility, sex is free and open, and homosexuality occurs along with the acceptance of other sexual practices which do not lead to pregnancy. There is no virginity cult because sex has become divorced from fertility. For these reasons, biological sex is decreasingly important, and there is more questioning of the institutionalized differences in male and female identities. In such circumstances gender becomes an aspect of selfhood, not of parenthood. p.23

“What I hope to show is that homosexuality may be a rational decision, bringing fuller participation in and better benefits from the society of which the homosexual is a member.”

Slow Motion Changing Masculinities, Changing Men,

As we shall see many times throughout this book, although the persecution of homosexuals is most commonly the act of men against a minority of other men, it is also the forced repression of the ‘feminine’ in all men. It is a way of keeping men separated from women, and keeping women subordinate to men. p.16

Gender and Power:

“State and cultural regulation and control of sexuality has, as feminists have argued, been another central way in which men have asserted and maintained power over women. The denial of access to sex education, contraception and abortion facilities, the stigma and difficulties of mothering outside marriage— these have all served to inhibit, primarily, women’s access to sexual pleasure free from accompanying anxieties... The state also plays a decisive role in regulating a hegemonic heterosexual masculinity. ... male homosexuality has been severely controlled and policed since the late nineteenth century... The state may no longer criminalize all forms of homosexuality in Britain (except in the armed services), yet through legislation on the age of consent, welfare practices as regards adoption, and in all forms of taxation and benefit arrangements, it denies legitimacy to homosexual relationships. The labelling and policing of gay men is one obvious way of constructing a compulsory and dominant heterosexual masculinity: a masculinity defined through difference from , and desire for, women; a masculinity depicted as sexually driven and

uncontrollable in its relentless pursuit of women –in perpetual contrast to the depiction of the passive and the strained sexuality of the ‘gentle sex’. p.98-99.

“Desire, as we have already seen and will see again throughout this book plays a central role in constructing ‘masculinity’ and affirming or subverting men’s power and authority. The polarities of male and female, heterosexual and homosexual, are the pivot of contemporary Western thinking on sex.” p.101

“Reflecting upon the polarities of desire -heterosexual and homosexual- it is clear from psychoanalytic work that the creation of heterosexual desire , heterosexual masculinity is far from preordained. Masculinity is never undivided, seamless construction it becomes in its symbolic manifestation.” p.102

Dismantling ‘Masculinity’: Some men’s Attempts to Change Themselves.

“A minority of men have always hated the ‘masculinity’ they felt they were not born with, could never acquire, but which fate remorselessly tried to thrust upon them. Some, far outnumbering women so drastically at odds with their gender identity, now find their way to transsexual clinics in search of savage surgery to rid themselves of the burden of masculinity. Others, consciously influenced by feminism rather than deep psychic torment, have sought less painful methods of attempting to re gender themselves–methods which would leave their biological sex intact.” p.281

“There is nothing at all surprising about homophobia and the reassertion of men’s rights and traditional masculinity operating in tandem. Both are, in fact, the same thing. Both are a defence of the dominant form of masculinity enshrined in marriage, a ‘masculinity’ which is- despite its rhetoric- less a state of mind or body than the various institutionalized routines of preserving men’s power over women and over men who deviate from masculine ideals.”p. 158

“Homophobia, as we have seen, not only keeps all men in line while oppressing gay men; in its contempt for the ‘feminine’ in men it simultaneously expresses contempt for women. As Gayle Rubin observes, ‘The suppression of the homosexual component of human sexuality, and by corollary the oppression of homosexuals is... a product of the same system whose rules and relations oppressed women’. p. 158

Compare with

Gender and Health: Technical Paper; p.26.

“Heterosexual encounters are not simply natural and instinctive events. They are socially shaped with certain modes of behaviour seen as appropriate for each sex. Some men find it difficult to conform to this stereotype of masculinity and may themselves feel damaged by their failure to match up to expectations (Segal, 1990).

Many women find the heterosexual relationship a difficult one in which to negotiate a strategy for their own safety. In many societies, sex continues to be defined primarily in terms of male

desire with women the relatively passive recipients of male passions. Under these circumstances women may find it difficult to articulate their own needs and desires and their own pleasure may be of little concern. They find it difficult to assert their wish for safer sex, for their partner's fidelity or for no sex at all, and as a result their own health and that of others may be put at grave risk.

Appendix 5

ICPD para. 7.2. defines reproductive health as

“a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity, in all matters relating to the reproductive system and to its functions and processes. ***Reproductive health therefore implies that people are able to have a satisfying and safe sex life...***It also includes sexual health, the purpose of which is the enhancement of life and personal relations, and not merely counseling and care related to reproduction and sexually transmitted diseases.

And ICPD para 7.3. adds:

“reproductive rights... rest on the recognition of *the basic right of all couples and individuals* to decide freely and responsibly the number, spacing and timing of their children and to have the information and means to do so, and the right to *attain the highest standard of sexual and reproductive health. It also includes their right to make decisions concerning reproduction free of discrimination, coercion and violence, as expressed in human rights documents..... full attention should be given to the promotion of mutually respectful and equitable gender relations and particularly to meeting the educational and service needs of adolescents to enable them to deal in a positive and responsible way with their sexuality.*

Reproductive health eludes many of the world's people because of such factors as: inadequate levels of knowledge about human sexuality and inappropriate or poor-quality Reproductive health information and services; the prevalence of high-risk sexual behaviour; discriminatory social practices; negative attitudes towards women and girls; and the limited power many women and girls have over their sexual and reproductive lives. 7.4.The implementation of the present Programme of Action is to be guided by the above comprehensive definition of reproductive health, which includes sexual health.

Paragraph 96 of The Beijing PFA states

“the human rights of women include their right to have control over and decide freely and responsibly on matters related to their sexuality, including sexual and reproductive health, free of coercion, discrimination and violence. Equal relationships between women and men in matters of sexual relations and reproduction, including full respect for the integrity of the person, require mutual respect , consent and shared responsibility for sexual behavior and its consequences.”

Appendix 6

The following contains excerpts from the recommendation of the Women's Caucus, led by Bella Absug, at the 1994 UN Fourth Conference on Women at Beijing, China. It illustrates, I believe, the concept of gender as conceived by radical feminism and why feminist groups at Beijing opposed a definition of "gender" as "male and female." I have inserted commentary under the headings of capital letters (A., B., C., etc.).

WOMEN'S LINKAGE CAUCUS (the Women's Caucus and Women's Linkage Caucus at the 1994 and 1995 CSW, comprised of some 1320 NGO representatives from 73 countries covering all regions of the world)

Recommendations on Bracketed Text in the WCW Draft Platform for Action (May 24, 1995 A/CONF.177/L.1) July 1, 1995.

{{ }} Around language to be retained or added.

<< >> Around language to be deleted.

- A. **Advocates:** the retention and the insertion of terms like 'sexual orientation' in paragraphs 48, 82, 180, 226, 232 of the Beijing Platform of Action, combines the terms 'sexual orientation' with 'life style' in paragraph 117.

Examples:

48. [{{retain: }}]The actions are directed towards improving the status and situation of all women and therefore recognize that many women face particular barriers because of such factors as their race, age, language, ethnicity, culture, religion, [{{retain: }}]**Sexual Orientation**,] or disability or because they are indigenous people. Many women face barriers related to their family status, particularly as single parents to their socio-economic status, including their living conditions in rural or isolated areas and in impoverished areas in rural and urban environments; and as immigrants. Particular barriers also exist for refugee, migrant and displaced women, and those who are affected by environmental disasters, serious and infectious diseases, addiction, and various forms of violence against women.]

82. By Governments:

(a) [{{amend & retain: }}]Attain the goals of equal access to education without distinction as to sex, race, national origin, age{{ , **Sexual Orientation** }} or disability, or any other form of discrimination, and ensure that procedures to address grievances are established;]

167. By Governments:

(b) Adopt and implement laws against discrimination based on sex, [{{amend & retain: }}] age, race{{, **Sexual Orientation** }}and religion] in the labour market, hiring and promotion, the extension of employment benefits and social security, and working conditions;

117. [{{retain: }}]Internally] Displaced women, repatriated women and women migrant workers, women living in poverty{{, }} [amend & retain: {{**Lesbians**}} and women living in areas under foreign occupation or where acts of terrorism occur] are also particularly vulnerable to violence.

180. By Governments, employers, employees, trade unions and women's organizations:

(a) [{{retain: }}]Implement and enforce laws, regulations and codes of conduct that extend international labour standards and workers rights to female workers in export processing zones;]

(b) [{{retain: }}]Enact and enforce laws and introduce implementing measures, including means of redress and access to justice in case on non compliance, to prohibit direct and indirect discrimination on grounds of sex, **Sexual Orientation** and parental status in relation to access to employment, conditions of employment, including training, promotion, health and safety, as well as termination of employment and social security of workers, including legal protection against sexual and racial harassment;]

226. (Alternative)

[{{amend & retain: }}]Many women face additional barriers in the enjoyment of their human rights because of such factors as their race, language, ethnicity, culture, religion, **Sexual Orientation**, disability, socio-economic class or because they are indigenous people, migrants, displaced people or refugees including internally displaced people. They are also disadvantaged and marginalized by a lack of knowledge and recognition of their human rights as well as by <<the>> obstacles <<they meet in getting>> {{to their gaining}} access to information and <<recourse>> mechanisms {{of redress }}in case of violations of their rights.]

232. By Governments:

(d) [delete: Consider] Review<<ing>> national laws [{{retain: }}]including customary laws and legal practices in the areas of family, civil, penal, labour and commercial law<<s>>] in order to ensure the implementation of the principles and procedures of all relevant international human rights instruments by means of national legislations, and [delete: consider] revok{{e}}<<ing>> any remaining laws that discriminate on the basis of sex and remove **Gender** bias in the administration of justice;

(f) [{{retain: }}]Take action to ensure that women's [{{retain: }}sexual and] reproductive rights are fully recognized and respected;]

(h) [{{amend & retain: }}]Consider what legal safeguards may be required to prevent discrimination on grounds of **Sexual Orientation** <<or **Lifestyle**>>];]

B. The Caucus advocated granting asylum status for those suffering 'persecution because of membership in a **Gender**-based social group' This means homosexuals and lesbians whose sexual activities are deemed criminal under a state's penal code. **The Caucus also advocated to expand the reasons and criteria for granting asylum under international law further than the criteria specified under by the 1951 Convention** relating to the Status of Refugees and the 1967 Protocol. The purpose of this is simply to include legal barriers against homosexuality as grounds for granting asylum. It is clear that the 1951 Convention does not allow such a claim. After all homosexuality was criminal under the statutes of every state until quite recently..

The text of the proposal:

Strategic objective E.5. Provide protection, assistance and training to refugee and displaced women [{{retain: }}including internally displaced women]

Actions to be taken

149. (h) Apply international norms to ensure equal access and equal treatment of women and men in refugee determination procedures and the granting of asylum, including full respect and strict observation of the principle of non-refoulement [{{retain: }}particularly for women and child refugees] through, inter alia, bringing national immigration regulations into conformity with relevant international instruments, and consider [{{retain: }}**Gender** factors in] recognizing as refugees those women whose claim to refugee status is based [{{amend & retain: }}upon the well-founded fear of {{**Gender**-specific }}persecution <<through sexual violence/**Gender** factors for>> {{including sexual or reproductive violence, or persecution because of membership in a **Gender**-based social group or other}}] [delete: on] reasons enumerated in the 1951 Convention relating to the Status of Refugees and the 1967 Protocol..”

C. It is not necessarily surprising that The WOMEN'S LINKAGE CAUCUS does not like the qualification universal human rights, and insists on its deletion. Needless to say, without the deletion of the word 'universal' those newly claimed 'rights' (sexual orientation and

freedom of lifestyle) which are not universal and cannot achieve that status under international law cannot be claimed as human rights.

Example:

I. MISSION STATEMENT

2. [{{amend & retain: }}]The Platform reaffirms the fundamental principle set forth in the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights that {{all human rights are universal, indivisible, interdependent and interrelated and that }}the human rights of women and of the girl child are an inalienable, integral and indivisible part of universal human rights.] As an agenda for action, the Platform seeks to promote and protect [{{amend & retain: }}]the full enjoyment of <<all universal>>] all human rights and the fundamental freedoms of all women throughout their life cycle.

D. In this section of excerpts, the Caucus seeks to eliminate any positive reference to maternity or language which calls on providing adequate health basic health care for mothers although these services are those which would benefit a majority of women seeking to ease the burden of motherhood. Instead the Caucus calls for the deletion of any positive reference to mothers.

Examples:

30. [{{amend & retain: }}] Women {{and men }}play a critical role in the family{ {, in its various forms,}} the basic unit of society. <<States Parties that have ratified the Convention on the Elimination of All Forms of Discrimination against Women have done so bearing in mind the great>> {{However, the }}contribution of women to the welfare of the{{ir}} famil{{ies}} and to the development of society, <<which is still>> {{has }}not {{been }}fully recognized{ {, measured and valued}}. <<They have also borne in mind>> The social significance of <<**maternity** and the role of both parents in the family and in the upbringing of children, and are aware that the role of women in procreation should not be a basis for discrimination but that>> {{parenting should be recognized and supported by social policy and social structures.}} The upbringing of children requires a sharing of responsibility between women and men and society as a whole{ {, hence women should not be discriminated against on the basis of their role in procreation}}.]

Strategic objective E.5. Provide protection, assistance and training to refugee and displaced women [{{retain: }}]including internally displaced women]

Actions to be taken

149. By Governments, intergovernmental and non-governmental organizations and other institutions involved in providing protection, assistance and training to refugees and [{{retain: }}internally] displaced persons, including the office of the United

Nations High Commissioner for Refugees and the World Food Programme, as appropriate;

(f) **[delete: Take account of the specific needs and resources of refugee and displaced women and children, especially their access to appropriate and adequate food, water, shelter and health services** including reproductive health services, in the provision of emergency relief and longer term assistance] **[{{retain: }} Ensure that the international community and the international organizations provide financial and other resources to governments in [{{retain: }} countries of asylum] in order to provide emergency relief and longer term assistance that takes into account the specific needs and resources of refugee and displaced women and children, especially their access to appropriate and adequate food, water, shelter and health-care services including reproductive health services] [delete: including vaccinations, provisions of basic medicines and medicines related to tropical diseases such as malaria and typhoid fever, full maternity care, including prenatal and postnatal care; dental care; and reproductive health-care;]**

108. By governments, in cooperation with non-governmental organizations, the mass media, the private sector and relevant international organizations, including United Nations bodies, as appropriate:

(h) Develop policies that reduce the disproportionate and increasing burden on **[delete: mothers]** women **[{{retain: }} who have multiple roles within the family and the community]** by providing women with adequate support and programmes from health and social services;

E. A careful study of the Caucus proposals show that they wished to curtail any reference to parental responsibilities and any acknowledgment that adolescent sex is premature sex:

Examples:

30. **[{{amend & retain: }} Women {{and men }} play a critical role in the family{{, in its various forms,}}** the basic unit of society. <<States Parties that have ratified the Convention on the Elimination of All Forms of Discrimination against Women have done so bearing in mind the great>> **{{However, the }}** contribution of women to the welfare of the **{{ir}} famil{{ies}}** and to the development of society, <<which is still>> **{{has }}** not **{{been }}** fully recognized **{{, measured and valued }}**. <<They have also borne in mind>> The social significance of << **maternity and the role of both parents in the family and in the upbringing of children, and are aware that the role of women in procreation should not be a basis for discrimination but that>>** **{{parenting should be recognized and supported by social policy and social structures.}}** The upbringing of children requires a sharing of responsibility

between women and men and society as a whole{ {, hence women should not be discriminated against on the basis of their role in procreation}}.]

95. ...Counselling and access to sexual and reproductive health information and services for adolescents are still inadequate or lacking completely, and a young woman's right to {{information, }}privacy, confidentiality, respect and informed consent is often not considered, <<taking into account the parent's responsibilities>>] Adolescent girls are both biologically and psychosocially more vulnerable than boys to sexual abuse, violence and prostitution, and to the consequences of [{retain: }}unprotected] [delete: premature] sexual relations.

283. By Governments, international and non-governmental organizations:

(d) [{retain: }}Enact and enforce legislation] protecting girls from all forms of violence including infanticide, [delete: female foeticide/ {{retain: }}prenatal sex selection], genital mutilation, incest, sexual abuse, sexual exploitation, child prostitution, and child pornography and develop age appropriate [{retain: }}safe and confidential] programmes and [{retain: }}medical and psychological] support services [delete: recognizing the rights, duties and responsibilities of parents and other persons legally responsible for children, and consistent with the Convention on the Rights of the Child] to assist girls who are subjected to violence;

F. The Caucus recommendations strongly attack traditional/religious/ cultural/ philosophical differences. It seeks to eliminate any reference to morality or values.

Examples:

239. By Governments:

(d) Encourage the media industry and education and media training institution to develop, in appropriate languages, traditional, indigenous and other ethnic group forms of media such as story telling, drama, poetry and song, [{retain: }}reflecting their cultures] [delete: reflecting their own cultural values] [delete: reflecting their moral, ethical and Religious values], and utilise these forms of communication to disseminate information on development and social issues.

G. The Caucus wanted to condemn religious extremism only, fighting any reference to the fact that extremism can be secular too. It opposed using language that would prevent corruption in society and the exploitation of women. The Caucus would prefer to do away with the fact that religion plays a central role in the lives of millions of women and substitute it with secular influence.

31. [{amend & retain: }}Religion {{and spirituality }}<<plays a central role in>>

{{affect}} the lives of millions of women, in the way they live and the aspirations they have for the future. <<**While any form of**>> {{Religious}} extremism, <<**religious or secular,**>> has a negative impact on women in the form of violence and discrimination, a moral and ethical climate <<**that prevents all forms of corruption in society and exploitation of women**>>{{, respectful of women's human rights -- as well as that of every person -- to conscience and to freedom from religious intolerance and discrimination}} is needed if equality, development and peace are to be realized. The serious issues with which the world is confronted today require a more effective response by societies not only to the material but also to the spiritual needs of individuals, including women.))]

H. Research Family Language: The Caucus sought to expand the institution of the family into various forms by amending the word family with "families." This effort should be seen in the context of the Caucus support of the "freedom" of "sexual orientation."

30. [{{amend & retain:}} Women {{and men }}play a critical role in the family{{, **in its various forms,**}} the basic unit of society. <<States Parties that have ratified the Convention on the Elimination of All Forms of Discrimination against Women have done so bearing in mind the great>> {{However, the }}contribution of women to the welfare of the{{ir}} famil{{ies}} and to the development of society, <<which is still>> {{has }}not {{been }}fully recognized{{, measured and valued}}. <<They have also borne in mind>> The social significance of <<**maternity** and the role of both parents in the family and in the upbringing of children, and are aware that the role of women in procreation should not be a basis for discrimination but that>> {{parenting should be recognized and supported by social policy and social structures.}} The upbringing of children requires a sharing of responsibility between women and men and society as a whole{{, **hence women should not be discriminated against on the basis of their role in procreation**}}.]

141. During times of armed conflict and the collapse of communities, the role of women is crucial. They often work to preserve social order in the midst of armed and other conflicts. [{{retain: }}Women make an important but often unrecognized contribution as peace educators both in the family/**families** and in society.]

283. By Governments, international and non-governmental organizations:
[Strategic objective L.9:{{retain: }}Strengthen [{{amend & retain: }}the role of the family{{, **in its various forms,**}}

285. By Governments, in cooperation with non-governmental organizations:
(a) Formulate policies and programmes to help [~~delete: the family~~] [{{retain:}} **families**] in [~~delete: its~~] [{{retain:}} **their**] supporting, educating and nurturing roles...

(b) Provide an environment conducive [{{retain: }}]to] the strengthening of [~~delete: the family~~] [{{retain: }}families], with a view to providing supportive and preventive measures [{{retain: }}]for the protection of the girl child.] [{{retain: }}]which protect and respect the girl child];

Appendix 7

Contains the relevant pages of Terminology Bulletin 348

Office of Conference and Support Services
Translation and Editorial Division
Documentation, Reference and Terminology Section

Terminology Bulletin No. 348

Women's issues

Condition de la femme

Cuestiones relativas a la mujer

Женская проблематика

妇女状况

قضايا المرأة



United Nations New York, 1995

INTRODUCTION

This terminology bulletin contains terms, expressions and titles relating to the status of women as dealt with by the United Nations, in particular at the Fourth World Conference on Women: Action for Equality, Development and Peace, held at Beijing in September 1995.

The choice of terms is based primarily on the preparatory and sessional documents of the Conference, but documentation from other sources has been consulted as well. Where appropriate, brief explanations and definitions have been added in English.

Suggestions and comments are welcome. Please send them to the Chief of the Documentation, Reference and Terminology Section, Room S-1153B, United Nations, New York.

INTRODUCTION

On trouvera dans le présent bulletin de terminologie les titres, expressions, termes et néologismes relevés dans les documents de l'Organisation des Nations Unies qui portent sur la condition de la femme, condition qui touche aux domaines social, juridique, économique, politique et médical.

La plupart des termes qui figurent dans ce bulletin sont tirés des documents qui ont été établis à l'occasion de la Quatrième Conférence mondiale sur les femmes: lutte pour l'égalité, le développement et la paix, qui s'est tenue à Beijing en septembre 1995, mais d'autres sources ont aussi été consultées: articles de presse, rapports et études sur le sujet, etc. De brèves notes (en anglais) ont été jointes aux entrées lorsqu'il a semblé utile de donner des définitions ou d'apporter d'autres éléments d'information. Certains termes anglais, tels que "gender", "en-gendering", "empowerment", "mainstreaming", "reproductive rights" sont encore sans équivalents universellement acceptés, et les entrées françaises sont donc données ici à titre de suggestion, reflétant les innovations et les flottements que l'on constate dans l'usage, à l'ONU comme ailleurs.

Vos suggestions et observations sont les bienvenues et doivent être adressées par écrit au Chef de la Section de documentation, référence et terminologie, Bureau S-1153 B, Secrétariat de l'Organisation des Nations Unies, à New York.

INTRODUCCIÓN

Este boletín fue preparado para la Cuarta Conferencia Mundial sobre la Mujer: Acción para la Igualdad, el Desarrollo y la Paz, celebrada en Beijing en setiembre de 1995. Los términos, expresiones y títulos fueron seleccionados sobre la base de obras y documentos especializados, la documentación preparatoria de la Conferencia, las resoluciones y decisiones pertinentes de la Asamblea General y del Consejo Económico y Social y los tratados y acuerdos internacionales relativos a la mujer.

Habida cuenta de que la preceptiva léxica en español respecto de ciertos conceptos y neologismos elaborados en inglés no está plenamente definida [por ejemplo, "affirmative action", "empowerment", "gender" (como eufemismo o sinónimo de "sex"), ["governance"], las entradas correspondientes en español deberán tenerse en cuenta a título de sugerencia. La nota [Plataforma] que acompaña al calco "gender" / "género" destaca que este uso está limitado en principio a la traducción al español de la Plataforma y Programa de Acción de la Conferencia de Beijing.

Las sugerencias de adiciones o correcciones para futuras ediciones de este documento deberán enviarse al Jefe de la Sección de Documentación, Referencias y Terminología, despacho 1158B.

- 361 gainful employment
emploi rémunéré
empleo remunerado
доходное занятие; хорошо оплачиваемая работа
有酬职业
عمل بأجر
- 362 gender
1. sexe [le plus souvent; statistiques]; 2. sexe social (ou culturel); catégorie sociale du sexe [psychosociologie]; identité sexuelle [construction sociale et culturelle distincte du sexe biologique]; 3. femme(s) [parfois]
sexo; género (de la persona) [conjunto de pautas de conducta asignadas a cada sexo en las distintas sociedades]
пол
性别
نوع الجنس (ذكر أو أنثى): جنس المرأة
[1. The sex of assignment by oneself or those who raise the individual. 2. in sociological contexts, emphasizes the social and cultural, as opposed to the biological, distinctions between the sexes; for 'gender -', see also: 'sex -']
- 363 gender analysis
analyse par sexe; analyse des distinctions fondées sur le sexe (ou des disparités entre les sexes); analyse des problèmes propres à chaque sexe; analyse des sexospécificités
análisis basado en el sexo; análisis de género [Plataforma]; análisis basado en el género
гендерный анализ
性别分析
تحليل (معلومات) من حيث الجنس؛ تحليل للتباينات بين الجنسين
[Analysis of a social process or phenomenon from the point of view of the roles played by men and women; key issues include the division of labour (productive and reproductive activities), access to and control over resources and benefits, and social, economic and environmental factors that influence both of the above]
- 364 gender asymmetry
assymétrie entre les sexes; disparité entre les sexes
diferencias de situación derivadas de la condición de varón o mujer; distribución asimétrica por razón de sexo; asimetría de género; distribución asimétrica por razón de género
диспропорция в социальных статусах мужчин и женщин
男女不均衡
عدم التماثل بين الجنسين؛ التفاوت بين الجنسين
- 365 gender awareness
1. sensibilisation (ou sensibilité) aux spécificités sexuelles; (avoir) conscience des spécificités sexuelles; prise en compte des sexospécificités; 2. souci d'équité entre les sexes
sensibilidad a las diferencias de situación por razón de sexo; sensibilidad a las cuestiones relacionadas con el género; sensibilidad a las diferencias de situación por razón de género
информированность в области гендерной проблематики
对性别问题的认识
توعية بقضية الفوارق بين الجنسين؛ التوعية بوضع الجنسين
- 366 gender balance
équilibre entre les sexes; représentation équilibrée des sexes; équilibre dans la proportion d'hommes et de femmes
equilibrio entre ambos sexos
равное соотношение между мужчинами и женщинами
性别均衡
التوازن بين الجنسين
gender-balanced composition
composition respectant l'équilibre entre les sexes; représentation égale des sexes
composición equilibrada entre mujeres y hombres
сбалансированный в гендерном отношении состав
性别平衡的结构
التمثيل المتوازن بين الجنسين

Appendix 8

Notable, also, is the fact that there is no consensus international treaty or document that defines gender as referring to something other than the biological sex of the human species. In fact, all other major human rights instruments have used the word sex and not gender in their texts.

For example:

The Charter of the United Nations sets out one of the purposes of the United Nations to be “promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, or religion”²¹⁹

The Universal Declaration on Human Rights prohibits discrimination on grounds “such as race, color, sex, language, religion, political or other opinion, national or social origin”²²⁰

The International Convent on Economic, Social and Cultural Rights (ICESCR) Article 2, and International Convent on Civil and Political Rights (ICCPR) Article 4 prohibits discrimination based on “sex.”²²¹

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) does not use the term ‘gender’ but simply seeks to prohibit discrimination based on sex.²²²

Consequently, it is easy to prove that the term gender has not been used in UN Conventions,²²³ major human rights instruments and the discourse of international law before it began to make its first appearance during the 1994 Cairo Conference on Population and Development where the term was used for the first time in an international conference document

²¹⁹ Charter of the United Nations, Chapter I, Art .1. para 3. And the Preamble 2 section “to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small”

²²⁰ The Universal Declaration of Human Rights, Article 2.

²²¹ The International Convents on Human Rights, 16.12.1966.

²²² CEDAW 18.12.1979. The prohibition of discrimination based on sex (not gender) are also identified in Race Convention Preamble, Torture Convention , art. 1.

²²³ The four Geneva Conventions and protocols and the Genocide Convention mirror provisions like those quoted above.

Appendix 9

The text of Article 7, paragraph 3 in The Rome Statute of the International Criminal Court, English/Arabic versions, A/CONF.183/9, 17 July 1998. Compare the definitions of gender found there with the English/Arabic text of Article 5 (d) in the Draft Statute for the International criminal Court, A/CONF.183/2/Add.1. 14 April 1998. The definition of gender that appears in the final Rome Statute was instigated largely by the concerns raised in a Position Paper circulated at the Rome Conference by the David M. Kennedy Center for International Studies, Brigham young University, entitled “The Two Sexes” In The Various Versions of The Draft Statute: The Need for Conformity.”

الأمم المتحدة



A/CONF.183/9

17 July 1998

ARABIC

ORIGINAL: ARABIC/CHINESE/
ENGLISH/FRENCH/
RUSSIAN/SPANISH

مؤتمر الأمم المتحدة الدبلوماسي للمفوضين
المعني بإنشاء محكمة جنائية دولية



روما، إيطاليا

١٥ حزيران/يونيه - ١٧ تموز/يوليه ١٩٩٨

نظام روما الأساسي للمحكمة الجنائية الدولية*

* اعتمده في ١٧ تموز/يوليه ١٩٩٨ مؤتمر الأمم المتحدة الدبلوماسي للمفوضين المعني بإنشاء محكمة جنائية دولية.

../..

210998 080998 98-23410



٣ - للمحكمة أن تعقد جلساتها في مكان آخر عندما ترى ذلك مناسباً، وذلك على النحو المنصوص عليه في هذا النظام الأساسي.

المادة ٤

المركز القانوني للمحكمة وسلطاتها

١ - تكون للمحكمة شخصية قانونية دولية. كما تكون لها الأهلية القانونية اللازمة لممارسة وظائفها وتحقيق مقاصدها.

٢ - للمحكمة أن تمارس وظائفها وسلطاتها، على النحو المنصوص عليه في هذا النظام الأساسي، في إقليم أية دولة طرف، ولها، بموجب اتفاق خاص مع أية دولة أخرى، أن تمارسها في إقليم تلك الدولة.

الباب ٢ - الاختصاص والمقبولية والقانون الواجب التطبيق

المادة ٥

الجرائم التي تدخل في اختصاص المحكمة

١ - يقتصر اختصاص المحكمة على أشد الجرائم خطورة موضع اهتمام المجتمع الدولي بأسره، وللمحكمة بموجب هذا النظام الأساسي اختصاص النظر في الجرائم التالية:

(أ) جريمة الإبادة الجماعية؛

(ب) الجرائم ضد الإنسانية؛

(ج) جرائم الحرب؛

(د) جريمة العدوان.

٢ - تمارس المحكمة الاختصاص على جريمة العدوان متى اعتمد حكم بهذا الشأن وفقاً للمادتين ١٢١ و ١٢٢ يعرف جريمة العدوان ويضع الشروط التي بموجبها تمارس المحكمة اختصاصها فيما يتعلق بهذه الجريمة. ويجب أن يكون هذا الحكم متسقاً مع الأحكام ذات الصلة من ميثاق الأمم المتحدة.

المادة ٦

الإبادة الجماعية

لفرض هذا النظام الأساسي، تعني "الإبادة الجماعية" أي فعل من الأفعال التالية يرتكب بقصد إهلاك جماعة قومية أو إثنية أو عرقية أو دينية، بصفتها هذه، إهلاكاً كلياً أو جزئياً:

- (أ) قتل أفراد الجماعة؛
- (ب) إلحاق ضرر جسدي أو عقلي جسيم بأفراد الجماعة؛
- (ج) إخضاع الجماعة عمداً لأحوال معيشية يقصد بها إهلاكها الضعفي كلياً أو جزئياً؛
- (د) فرض تدابير تستهدف منع الإنجاب داخل الجماعة؛
- (هـ) نقل أطفال الجماعة عنوة إلى جماعة أخرى.

المادة ٧

الجرائم ضد الإنسانية

١ - لفرض هذا النظام الأساسي، يشكل أي فعل من الأفعال التالية "جريمة ضد الإنسانية" متى ارتكب في إطار هجوم واسع النطاق أو منهجي موجه ضد أية مجموعة من السكان المدنيين، وعن علم بالهجوم:

- (أ) القتل العمد؛
- (ب) الإبادة؛
- (ج) الاسترقاق؛
- (د) إبعاد السكان أو النقل القسري للسكان؛
- (هـ) السجن أو الحرمان الشديد على أي نحو آخر من الحرية البدنية بما يخالف القواعد الأساسية للقانون الدولي؛

(و) التعذيب؛

(ز) الاغتصاب، أو الاستعباد الجنسي، أو الإكراه على البغاء، أو الحمل القسري، أو التعقيم القسري، أو أي شكل آخر من أشكال العنف الجنسي على مثل هذه الدرجة من الخطورة؛

(ح) اضطهاد أية جماعة محددة أو مجموع محدد من السكان لأسباب سياسية أو عرقية أو قومية أو إثنية أو ثقافية أو دينية، أو متعلقة بنوع الجنس على النحو المعرف في الفقرة ٣، أو لأسباب أخرى من المسلم عالمياً بأن القانون الدولي لا يجيزها، وذلك فيما يتصل بأي فعل مشار إليه في هذه الفقرة أو بأية جريمة تدخل في اختصاص المحكمة؛

(ط) الاختفاء القسري للأشخاص؛

(ي) جريمة الفصل العنصري؛

(ك) الأفعال اللاإنسانية الأخرى ذات الطابع المماثل التي تتسبب عمداً في معاناة شديدة أو في أذى خطير يلحق بالجسم أو بالصحة العقلية أو البدنية.

٢ - لغرض الفقرة ١:

(أ) تعني عبارة "هجوم موجه ضد أية مجموعة من السكان المدنيين" نهجا سلوكيا يتضمن الارتكاب المتكرر للأفعال المشار إليها في الفقرة ١ ضد أية مجموعة من السكان المدنيين، عملاً بسياسة دولة أو منظمة تقضي بارتكاب هذا الهجوم، أو تعزيزاً لهذه السياسة؛

(ب) تشمل "الإبادة" تعمد فرض أحوال معيشية، من بينها الحرمان من الحصول على الطعام والدواء، بقصد إهلاك جزء من السكان؛

(ج) يعني "الاسترقاق" ممارسة أي من السلطات المترتبة على حق الملكية، أو هذه السلطات جميعها، على شخص ما، بما في ذلك ممارسة هذه السلطات في سبيل الاتجار بالأشخاص، ولا سيما النساء والأطفال؛

(د) يعني "إبعاد السكان أو النقل القسري للسكان" نقل الأشخاص المعنيين قسراً من المنطقة التي يوجدون فيها بصفة مشروعة، بالطرد أو بأي فعل قسري آخر، دون مبررات يسمح بها القانون الدولي؛

(هـ) يعني "التعذيب" تعمد إلحاق ألم شديد أو معاناة شديدة، سواء بدنيا أو عقليا، بشخص موجود تحت إشراف المتهم أو سيطرته؛ ولكن لا يشمل التعذيب أي ألم أو معاناة ينجمان فحسب عن عقوبات قانونية أو يكونان جزءا منها أو نتيجة لها؛

(و) يعني "الحمل القسري" إكراه المرأة على الحمل قسرا وعلى الولادة غير المشروعة بقصد التأثير على التكوين العرقي لأية مجموعة من السكان أو ارتكاب انتهاكات خطيرة أخرى للقانون الدولي. ولا يجوز بأي حال تفسير هذا التعريف على نحو يمس القوانين الوطنية المتعلقة بالحمل؛

(ز) يعني "الاضطهاد" حرمان جماعة من السكان أو مجموع السكان حرمانا متعمدا وشديدا من الحقوق الأساسية بما يخالف القانون الدولي، وذلك بسبب هوية الجماعة أو المجموع؛

(ح) تعني "جريمة الفصل العنصري" أية أفعال لا إنسانية تماثل في طابعها الأفعال المشار إليها في الفقرة ١ وترتكب في سياق نظام مؤسسي قوامه الاضطهاد المنهجي والسيطرة المنهجية من جانب جماعة عرقية واحدة إزاء أية جماعة أو جماعات عرقية أخرى، وترتكب بنية الإبقاء على ذلك النظام؛

(ط) يعني "الاختفاء القسري للأشخاص" إلقاء القبض على أي أشخاص أو احتجازهم أو اختطافهم من قبل دولة أو منظمة سياسية، أو بإذن أو دعم منها لهذا الفعل أو بسكوتها عليه. ثم رفضها الإقرار بحرمان هؤلاء الأشخاص من حريتهم أو إعطاء معلومات عن مصيرهم أو عن أماكن وجودهم، بهدف حرمانهم من حماية القانون لفترة زمنية طويلة.

٢ - لفرض هذا النظام الأساسي، من المفهوم أن تعبير "نوع الجنس" يشير إلى الجنسين، الذكر والأنثى، في إطار المجتمع. ولا يشير تعبير "نوع الجنس" إلى أي معنى آخر يخالف ذلك.

المادة ٨

جرائم الحرب

١ - يكون للمحكمة اختصاص فيما يتعلق بجرائم الحرب، ولا سيما عندما ترتكب في إطار خطة أو سياسة عامة أو في إطار عملية ارتكاب واسعة النطاق لهذه الجرائم.

٢ - لفرض هذا النظام الأساسي، تعني "جرائم الحرب":

(أ) الانتهاكات الجسيمة لاتفاقيات جنيف المؤرخة ١٢ آب/أغسطس ١٩٤٩، أي أي فعل من الأفعال التالية ضد الأشخاص أو الممتلكات الذين تحميهم أحكام اتفاقية جنيف ذات الصلة:



**UNITED
NATIONS**



**United Nations Diplomatic Conference
of Plenipotentiaries on the
Establishment
of an International Criminal Court**

Rome, Italy
15 June-17 July 1998

Distr.
GENERAL

A/CONF.183/9*

17 July 1998

ENGLISH

ORIGINAL: ARABIC/CHINESE/
ENGLISH/FRENCH/
RUSSIAN/SPANISH

ROME STATUTE OF THE INTERNATIONAL CRIMINAL COURT**

* Reissued for technical reasons.

** Adopted by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court on 17 July 1998.

98-28144 (E) 250998
1 100000 100000 100000 100000 100000 100000 100000

/...

PART 2. JURISDICTION, ADMISSIBILITY AND APPLICABLE LAW

Article 5

Crimes within the jurisdiction of the Court

1. The jurisdiction of the Court shall be limited to the most serious crimes of concern to the international community as a whole. The Court has jurisdiction in accordance with this Statute with respect to the following crimes:

- (a) The crime of genocide;
- (b) Crimes against humanity;
- (c) War crimes;
- (d) The crime of aggression.

2. The Court shall exercise jurisdiction over the crime of aggression once a provision is adopted in accordance with articles 121 and 123 defining the crime and setting out the conditions under which the Court shall exercise jurisdiction with respect to this crime. Such a provision shall be consistent with the relevant provisions of the Charter of the United Nations.

Article 6

Genocide

For the purpose of this Statute, "genocide" means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group.

/...

Article 7

Crimes against humanity

1. For the purpose of this Statute, "crime against humanity" means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:

- (a) Murder;
- (b) Extermination;
- (c) Enslavement;
- (d) Deportation or forcible transfer of population;
- (e) Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;
- (f) Torture;
- (g) Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity;
- (h) Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court;
- (i) Enforced disappearance of persons;
- (j) The crime of apartheid;
- (k) Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.

2. For the purpose of paragraph 1:

- (a) "Attack directed against any civilian population" means a course of conduct involving the multiple commission of acts referred to in paragraph 1 against any civilian population, pursuant to or in furtherance of a State or organizational policy to commit such attack;
- (b) "Extermination" includes the intentional infliction of conditions of life, inter alia the deprivation of access to food and medicine, calculated to bring about the destruction of part of a population;
- (c) "Enslavement" means the exercise of any or all of the powers attaching to the right of ownership over a person and includes the exercise of such power in the course of trafficking in persons, in particular women and children;

/...

(d) "Deportation or forcible transfer of population" means forced displacement of the persons concerned by expulsion or other coercive acts from the area in which they are lawfully present, without grounds permitted under international law;

(e) "Torture" means the intentional infliction of severe pain or suffering, whether physical or mental, upon a person in the custody or under the control of the accused; except that torture shall not include pain or suffering arising only from, inherent in or incidental to, lawful sanctions;

(f) "Forced pregnancy" means the unlawful confinement, of a woman forcibly made pregnant, with the intent of affecting the ethnic composition of any population or carrying out other grave violations of international law. This definition shall not in any way be interpreted as affecting national laws relating to pregnancy;

(g) "Persecution" means the intentional and severe deprivation of fundamental rights contrary to international law by reason of the identity of the group or collectivity;

(h) "The crime of apartheid" means inhumane acts of a character similar to those referred to in paragraph 1, committed in the context of an institutionalized regime of systematic oppression and domination by one racial group over any other racial group or groups and committed with the intention of maintaining that regime;

(i) "Enforced disappearance of persons" means the arrest, detention or abduction of persons by, or with the authorization, support or acquiescence of, a State or a political organization, followed by a refusal to acknowledge that deprivation of freedom or to give information on the fate or whereabouts of those persons, with the intention of removing them from the protection of the law for a prolonged period of time.

3. For the purpose of this Statute, it is understood that the term "gender" refers to the two sexes, male and female, within the context of society. The term "gender" does not indicate any meaning different from the above.

Article 8

War crimes

1. The Court shall have jurisdiction in respect of war crimes in particular when committed as a part of a plan or policy or as part of a large-scale commission of such crimes.

2. For the purpose of this Statute, "war crimes" means:

(a) Grave breaches of the Geneva Conventions of 12 August 1949, namely, any of the following acts against persons or property protected under the provisions of the relevant Geneva Convention:

/...

(d) "Deportation or forcible transfer of population" means forced displacement of the persons concerned by expulsion or other coercive acts from the area in which they are lawfully present, without grounds permitted under international law;

(e) "Torture" means the intentional infliction of severe pain or suffering, whether physical or mental, upon a person in the custody or under the control of the accused; except that torture shall not include pain or suffering arising only from, inherent in or incidental to, lawful sanctions;

(f) "Forced pregnancy" means the unlawful confinement, of a woman forcibly made pregnant, with the intent of affecting the ethnic composition of any population or carrying out other grave violations of international law. This definition shall not in any way be interpreted as affecting national laws relating to pregnancy;

(g) "Persecution" means the intentional and severe deprivation of fundamental rights contrary to international law by reason of the identity of the group or collectivity;

(h) "The crime of apartheid" means inhumane acts of a character similar to those referred to in paragraph 1, committed in the context of an institutionalized regime of systematic oppression and domination by one racial group over any other racial group or groups and committed with the intention of maintaining that regime;

(i) "Enforced disappearance of persons" means the arrest, detention or abduction of persons by, or with the authorization, support or acquiescence of, a State or a political organization, followed by a refusal to acknowledge that deprivation of freedom or to give information on the fate or whereabouts of those persons, with the intention of removing them from the protection of the law for a prolonged period of time.

3. For the purpose of this Statute, it is understood that the term "gender" refers to the two sexes, male and female, within the context of society. The term "gender" does not indicate any meaning different from the above.

Article 8

War crimes

1. The Court shall have jurisdiction in respect of war crimes in particular when committed as a part of a plan or policy or as part of a large-scale commission of such crimes.

2. For the purpose of this Statute, "war crimes" means:

(a) Grave breaches of the Geneva Conventions of 12 August 1949, namely, any of the following acts against persons or property protected under the provisions of the relevant Geneva Convention:

/...

“THE TWO SEXES” IN THE VARIOUS VERSIONS OF THE DRAFT STATUTE: THE NEED FOR CONFORMITY

The term “gender” appears in various places throughout the English text of the Draft ICC Statute. The term immediately brings to mind “male” and “female.” Indeed, in the French and Arabic versions of the Draft Statute, traditional phraseology referring to “the two sexes” – not gender – is used. See, e.g., French Version, Section 2, Article 5, “Crimes Against Humanity,” paragraph 1(h) (“ou a partir de l’appartenance a l’un des deux sexes.” that is, “belonging to one of the two sexes”); Arabic Version (same citation) (أو متعلقة بنوع الجنس) that is, “belongs to the kind of sex”) (page 28, Arabic Version, “Crimes Against Humanity,” Section 2, Article 5, Paragraph 1 (h)).

In English, however, the Draft ICC Statute does not use the unambiguous term “the two sexes.” Instead, the statute uses the culturally charged term “gender” – a word that is hardly limited to “the two sexes.” For example, the 1997 Report of the United Nation’s Commission on Social Development asserted that “gender roles” are “socially constructed” and are *not* based on “immutable biological differences.”¹ “Gender” and “gender roles,” in short, have (at least in some minds) absolutely *nothing* to do with “the two sexes.” Indeed, the controversy surrounding the meaning of the term “gender” is so great that the word has never been defined in *any* UN consensus document.

“Gender,” furthermore, is capable of expansion well beyond the traditional conceptions of male and female. Delegates to the Beijing Conference for Women, for example, expended considerable time and effort discussing the precise meaning of the contentious term. One of the notions discussed was a conceptual scheme advanced by Anne Falsto-Sterling in a paper entitled “The Five Sexes: Why Male and Female Are Not Enough.” Her paper envisioned a new social order where “the sexes have multiplied beyond currently imaginable limits,” where the classifications of “parent and child, male and female, heterosexual and homosexual” would “have to be dissolved as sources of division” because the world “would permit ambiguity in a culture that had overcome sexual division.”²

The cultural storms surrounding the ambiguity of the term “gender” threaten to imperil the consistent enforcement – and success – of the ICC Draft Statute. The English Version of the Statute uses the term “gender” in Part Two, Article Five, Crimes Against Humanity, paragraph 1 (h), in the same place that the French and Arabic versions use the words “the two sexes” or “kind of sex.” The English term “gender” is ambiguous, while French and Arabic terms have precise meanings. The ambiguity of the English versions raises the possibility that “persecution,” denominated a “crime against humanity,” will mean one thing in English and something else in French and Arabic, rendering the ICC incapable of consistent enforcement.

¹ Commission on Social Development, Report on the World Social Condition 1997, E/95/15 at 156.

² Anne Falsto-Sterling, “The Five Sexes,” at page 24.

To avoid embroiling the ICC in cultural disputes surrounding the undefined English term “gender,” and to ensure consistent prosecution and enforcement of the “most serious crimes of concern to the international community,” the term “gender” in the English Version of the Draft Statute should be replaced with the more precise French and Arabic phraseology: “the two sexes.”

**A Position Paper by the David M. Kennedy Center for International Studies
Brigham Young University**

Distr.
GENERAL

A/CONF.183/2/Add.1*
5 June 1998
ARABIC
ORIGINAL: ENGLISH

مؤتمر الأمم المتحدة الدبلوماسي للمفوضين
المعني بإنشاء محكمة جنائية دولية

روما، إيطاليا
١٥ حزيران/يونيه - ١٧ تموز/يوليه ١٩٩٨



تقرير اللجنة التحضيرية لإنشاء محكمة جنائية دولية

إضافة

المحتويات

الصفحة

٢	الجزء الأول - مشروع النظام الأساسي للمحكمة الجنائية الدولية
	الجزء الثاني - مشروع الوثيقة الختامية لمؤتمر الأمم المتحدة الدبلوماسي للمفوضين
١٧٨	المعني بإنشاء محكمة جنائية دولية

* أعيد إصدارها لأسباب فنية.



الخيار ٣

عدم إدراج أي حكم بشأن حدود اختصاص المحكمة.

* * *

المادة صاد

(تتصل بذلك الجزء من النظام الأساسي الذي يتناول تعريف الجرائم)

دون المساس بتطبيق أحكام هذا النظام الأساسي، ليس في هذا الجزء من النظام الأساسي ما يفسر على أنه يحد من القواعد القائمة أو المتطورة للقانون الدولي أو يمس بها بأي شكل من الأشكال.

ملحوظة:

- يمكن أن تشكل المادة صاد مادة مستقلة أو توضع في المادة ٥ (الجرائم التي تدخل في اختصاص المحكمة).
- تتناول الفقرة ٢ من المادة ٢١ (لا جريمة إلا بنص) والمادة ٢٠ (القانون الواجب التطبيق) مسائل ذات صلة.

الجرائم المرتكبة ضد الإنسانية

- ١ - لفرض هذا النظام الأساسي، يشكل أي فعل من الأفعال التالية جريمة ضد الإنسانية متى ارتكب [في إطار عملية ارتكاب واسعة النطاق (و) [أو] منهجية لمثل هذه الأفعال ضد أي مجموعة من السكان]:
[في إطار هجوم واسع النطاق (و) [أو] هجوم منهجي ضد أي مجموعة من السكان [المدنيين] ارتكب على نطاق واسع] [في حالة نزاع مسلح] [لأسباب سياسية أو فلسفية أو عنصرية أو إثنية أو دينية أو لآية أسباب أخرى محددة اعتبارياً]:

ملحوظة: في حالة الإبقاء على البديل الثاني، ينبغي النظر في علاقته بالفقرة ١ (ح).

(أ) القتل العمد؛

(ب) الإبادة؛

(ج) الاسترقاق؛

(د) الإبعاد أو النقل القسري للسكان؛

(هـ) [الاحتجاز أو] [السجن] [الحرمان من الحرية] [في انتهاك صارخ للقانون الدولي] [في انتهاك للقواعد القانونية الأساسية]^(١٤)؛

(و) التعذيب؛

(ز) الاغتصاب أو غيره من أشكال الاعتداء الجنسي [ذات الخطورة المماثلة] أو الإكراه على ممارسة البغاء؛

(ح) اضطهاد أي جماعة مميزة الهوية أو أي تجمع لأسباب سياسية أو عنصرية أو وطنية أو إثنية أو ثقافية أو دينية [أو متعلقة بنوع الجنس] [أو لأسباب أخرى مماثلة]^(١٥) [وفيما يتصل بجرائم أخرى تدخل في نطاق اختصاص المحكمة]؛

(ط) الاختفاء القسري للأشخاص^(١٦)؛

(ي) الأفعال اللاإنسانية الأخرى [ذات الطابع المماثل] التي تتسبب [عمدا] في [معاناة شديدة أو في] إصابة خطيرة تلحق بالبدن أو بالصحة العقلية أو البدنية^(١٧)؛

[٢ - لأغراض الفقرة ١:

(أ) تشمل الإبادة فرض أحوال معيشية [عن قصد وعمدا] بهدف إهلاك جزء من السكان؛

(ب) يعني "الإبعاد أو النقل القسري للسكان" نقل [الأشخاص] [السكان] من المنطقة التي يكونون [موجودين فيها بصفة مشروعة] [موجودين فيها] [مقيمين فيها] [بموجب القانون الوطني أو الدولي] [الهدف منافع للقانون الدولي] [بدون أسباب مشروعة أو قاهرة] [بدون مبرر قانوني]؛

(١٤) اقترح ألا تشمل هذه الفقرة الفرعية حرية التعبير وأن تشمل الحصار الذي يفرض من جانب واحد على السكان.

(١٥) من هذه الأسباب، مثلا، الأسباب الاجتماعية أو الاقتصادية أو الأسباب المتعلقة بالعواقل العقلية أو البدنية.

(١٦) أشير إلى أنه يلزم بعض الوقت للتفكير في إدراج هذه الفقرة الفرعية.

(١٧) أشير إلى أن إدراج هذه الفقرة يستلزم مزيدا من التوضيح. وأشير أيضا إلى أن قائمة الأفعال ينبغي أن تتضمن التمييز المؤسسي.

(ج) [يعني "التعذيب" تعتمد إحداث ألم حاد أو معاناة حادة، بدنياً أو عقلياً، لشخص (متحفظ عليه لدى المتهم أو خاضع لسيطرة المتهم الفعلية) (محروم من الحرية)؛ باستثناء أن التعذيب لا يشمل الألم أو المعاناة الناجمين فقط عن عقوبات قانونية مفروضة (وفقاً للقانون الدولي) أو الملازمين لهذه العقوبات أو المترتبين عليها]؛

["التعذيب" بالتعريف الوارد في اتفاقية مناهضة التعذيب وغيره من ضروب المعاملة أو العقوبة القاسية أو اللاإنسانية أو المهينة، المؤرخة في ١٠ كانون الأول/ ديسمبر ١٩٨٤]؛

(د) يعني الاضطهاد الحرمان العمد والقاسي من الحقوق الأساسية بما يخالف القانون الدولي [الذي يمارس بنية الاضطهاد لأسباب محددة]؛

(هـ) [يعني "الاختفاء القسري للأشخاص" الحالات التي يتم فيها إلقاء القبض على الأشخاص أو احتجازهم أو اختطافهم رغماً عنهم من قبل الدولة أو منظمة سياسية أو بإذن أو تأييدها أو قبولها، ثم رفض الاعتراف بحرمان هؤلاء الأشخاص من حريتهم أو إعطاء معلومات عن مصيرهم أو عن مكان وجودهم، مما يضعهم خارج نطاق حماية القانون]؛

(١٨)*

[جرائم الإرهاب]

لأغراض هذا النظام الأساسي، تعني جرائم الإرهاب:

(١) القيام بأعمال عنف، أو تنظيمها، أو الإشراف عليها، أو الأمر بها، أو تيسيرها، أو تمويلها، أو تشجيعها أو التفاوض عنها عندما تكون هذه الأعمال موجهة ضد دولة أخرى وتستهدف الأشخاص أو الممتلكات وتكون ذات طبيعة كضيلة بإشاعة الإرهاب أو الخوف أو عدم الأمان في نفوس الشخصيات العامة، أو جماعات من الأشخاص، أو الجمهور العادي أو السكان، لأي اعتبارات وأغراض ذات طبيعة سياسية أو فلسفية أو إيديولوجية أو عنصرية أو إثنية أو دينية أو أي طبيعة أخرى قد يتذرع بها لتبريرها؛

(٢) جريمة بموجب الاتفاقيات التالية:

(١٨) نظرت اللجنة التحضيرية في الأنواع الثلاثة التالية من الجرائم (جرائم الإرهاب، والجرائم المرتكبة ضد موظفي الأمم المتحدة والأفراد المرتبطين بها، والجرائم التي تنطوي على اتجار غير مشروع بالمخدرات والمؤثرات العقلية) دون أن يمس ذلك بمسألة اتخاذ مقرر نهائي بشأن إدراجها في النظام الأساسي. ولم تناقش اللجنة التحضيرية هذه الأنواع الثلاثة من الجرائم إلا بشكل عام ولم يكن لديها وقت كاف لدراساتها بنفس التعمق الذي درست به الجرائم الأخرى.



**UNITED
NATIONS**



**United Nations Diplomatic Conference
of Plenipotentiaries on the
Establishment
of an International Criminal Court**

Distr.
GENERAL

A/CONF.183/2/Add.1
14 April 1998

ORIGINAL: ENGLISH

Rome, Italy
15 June-17 July 1998

REPORT OF THE PREPARATORY COMMITTEE ON THE ESTABLISHMENT
OF AN INTERNATIONAL CRIMINAL COURT

Addendum

CONTENTS

	<u>Page</u>
PART ONE. DRAFT STATUTE FOR THE INTERNATIONAL CRIMINAL COURT	2
PART TWO. DRAFT FINAL ACT OF THE UNITED NATIONS DIPLOMATIC CONFERENCE OF PLENIPOTENTIARIES ON THE ESTABLISHMENT OF AN INTERNATIONAL CRIMINAL COURT	168

Elsewhere in the Statute:

Option 1

The jurisdiction of the Court shall extend to the most serious crimes of concern to the international community as a whole. The Court shall have jurisdiction in respect of the crimes listed in article X (war crimes) only when committed as part of a plan or policy or as part of a large-scale commission of such crimes.¹³

Option 2

The jurisdiction of the Court shall be limited to the most serious crimes of concern to the international community as a whole. The Court shall have jurisdiction in respect of the crimes listed in article X (war crimes) in particular when committed as a part of a plan or policy or as part of a large-scale commission of such crimes.²

Option 3

No provision on threshold.

* * *

Article Y

(relating to the part of the Statute dealing with the definition of crimes)

Without prejudice to the application of the provisions of this Statute, nothing in this part of the Statute shall be interpreted as limiting or prejudicing in any way existing or developing rules of international law.

N.B.

- Article Y could constitute a separate article or could be placed in article 5 (Crimes within the jurisdiction of the Court).

- Article 21, paragraph 3 (Nullum crimen sine lege) and article 20 (Applicable law) deal with related issues.

Crimes against humanity

1. For the purpose of the present Statute, a crime against humanity means any of the following acts when committed

[as part of a widespread [and] [or] systematic commission of such acts against any population]:

¹³ The view was expressed that the substance and placement of this proposal should be considered.

/...

[as part of a widespread [and] [or] systematic attack against any [civilian] population] [committed on a massive scale] [in armed conflict] [on political, philosophical, racial, ethnic or religious grounds or any other arbitrarily defined grounds]:

N.B. In case the second alternative is retained, its relationship with paragraph 1 (h) should be considered.

- (a) murder;
- (b) extermination;
- (c) enslavement;
- (d) deportation or forcible transfer of population;
- (e) [detention or] [imprisonment] [deprivation of liberty] [in flagrant violation of international law] [in violation of fundamental legal norms];¹⁴
- (f) torture;
- (g) rape or other sexual abuse [of comparable gravity,] or enforced prostitution;
- (h) persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural or religious [or gender] [or other similar] grounds¹⁵ [and in connection with other crimes within the jurisdiction of the Court];
- (i) enforced disappearance of persons;¹⁶
- (j) other inhumane acts [of a similar character] [intentionally] causing [great suffering,] or serious injury to body or to mental or physical health.¹⁷

[2. For the purpose of paragraph 1:

- (a) extermination includes the [wilful, intentional] infliction of conditions of life calculated to bring about the destruction of part of a population;

¹⁴ It was suggested that this subparagraph does not include freedom of speech and that it includes the unilateral blockade of populations.

¹⁵ This also includes, for example, social, economic and mental or physical disability grounds.

¹⁶ It was suggested that some more time was needed to reflect upon the inclusion of this subparagraph.

¹⁷ It was suggested that the inclusion of this paragraph should be subject to further clarification. It was also suggested that the list of acts should include institutionalized discrimination.

/...

(b) "deportation or forcible transfer of population" means the movement of [persons] [populations] from the area in which the [persons] [populations] are [lawfully present] [present] [resident] [under national or international law] [for a purpose contrary to international law] [without legitimate and compelling reasons] [without lawful justification];

(c) ["torture" means the intentional infliction of severe pain or suffering, whether physical or mental, upon a person [in the custody or physical control of the accused] [deprived of liberty]; except that torture shall not include pain or suffering arising only from, inherent in or incidental to, lawful sanctions [in conformity with international law]]

["torture" as defined in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 10 December 1984];

(d) persecution means the wilful and severe deprivation of fundamental rights contrary to international law [carried out with the intent to persecute on specified grounds];

(e) ["enforced disappearance of persons" means when persons are arrested, detained or abducted against their will by or with the authorization, support or acquiescence of the State or a political organization, followed by a refusal to acknowledge that deprivation of freedom or to give information on the fate or whereabouts of those persons, thereby placing them outside the protection of the law]

*18

[Crimes of terrorism]

For the purposes of the present Statute, crimes of terrorism means:

(1) Undertaking, organizing, sponsoring, ordering, facilitating, financing, encouraging or tolerating acts of violence against another State directed at persons or property and of such a nature as to create terror, fear or insecurity in the minds of public figures, groups of persons, the general public or populations, for whatever considerations and purposes of a political, philosophical, ideological, racial, ethnic, religious or such other nature that may be invoked to justify them;

(2) An offence under the following Conventions:

¹⁸ The Preparatory Committee considered the following three crimes (crimes of terrorism, crimes against United Nations and associated personnel and crimes involving the illicit traffic in narcotic drugs and psychotropic substances) without prejudice to a final decision on their inclusion in the Statute. The Preparatory Committee also discussed these three crimes only in a general manner and did not have time to examine them as thoroughly as the other crimes.

/...

Appendix 10

**Urgent Call to All The Islamic Centers and Organizations in the World
by the Secretary General of The World Assembly of Muslim Youth and Member of the Shora
Council in The Kingdom of Saudi Arabia, His Honor Dr. Maneh Al-Johani, Office of The
Secretary General of The World Assembly of Muslim Youth.**

The call refers to a 15 page summary of the development of international norms at the UN, starting with The Cairo Conference on population and development, Beijing Conference, Istanbul, Rome, and the review process on the Cairo Conference of Population and development.



المجلة

MOH. AL-SAGHA

1

JOYALIST

4615325 - 4615402
115242850 - 41871027
10457310 - 41871027

حزبهم أكثر من خمسين مليون دينار عراقي، في السابغ عشر و الأمان عشر من آذار (مارس)

ورأى أن إطلاق الأسرى سيحول
لتنفيذ الأجراء وعدة النضامين العربي^٥

يمكن يمكن من الحصول باستمرار
على معلومات من مصادرنا، غير
منحازة وقابلة للتحقيق.

في اهل اهل الله: "الامر في سكونه" "خلفه واهله"

تتمثل بهن من الحصول باستمرار

منحازة وقابلة للتحقيق.

1

3

○

100

يكونها مؤتمراً للجناب في

جاءت تفضيرا للمر نيوياردك اللعي

[illegible]

حدث عن «بخطاط خفايا» وما عدنا نطيق

س، سائورت بتوزیع بیان شسحت فیل

هَذَا مِنْ تَرْجُومَاتِ الْوَقْفِ الْإِسْلَامِيِّ

فإن قول بالرفض، حتى أن المراد

للندوة تعرض للصربا.

...

1

• • • • •

تأمل الآلات الأسطورية في تشكيل

ألا زلفه في سلفه المراق، حينئذ

الندوة العالمية للشباب الاسلامي تحمل على مؤتمرات الأمم المتحدة

□ الروياض - محمد الشافعي

■ وصفه الأئمة الإمام النجاشية
للإمام الإسلامي في السيرة في الأندلس
منع من حد الجهاد فوصفاته مؤتمن
لهما للقبيل والنجاشية الأولى التي عقد
في السامرة من شجاعة الأئمة (أبو الماضي
فحت عائلة صندوق الأرمي المحدة للسكان
والنخبة وأنها معقول قدم للقيم النبيلة
لتي اجتمعت عليها الأئمة السبعة،
وقال الجهادي مؤتمن صحابي في
البناء، لئلا التفتت - الأرمي ان مؤتمن

ولما دحضت ومسل في مسألة الولايات المتحدة والمخبرون التي فتحها لاسف، احدي مؤتمرات الأمم المتحدة، مؤكدا ان الولايات المتحدة لا تملك جيفين كل أدوات التدمير ضد الأمة.

واعلم ان كلمة رئيسة الوزراء البريطانية السابقة بنجلو بولو في افتتاحها مؤتمرات السكان في القاهرة كانت قاذبة لصدع الهجمة الشرسة على اريهان قديم الأمة.

وعرض الصحفي وفاق مؤتمرات بدما من مؤتمرات القاهرة الذي اعتبر ان اسحق

عشرات الآلاف من الموقوفين، وه الطواق الجنبية،
الصحة الاجتماعية، ومراكز رعاية الأحداث،
وأشار إلى نتائج مؤتمر ربيع الذي عقد
أحدث مجلة الاسم المحدث عام ١٩٨٥ والشم
بالإصحاح على القرواح عن نظام الأسرة
وممارسة الحبس عن نظام الأسرة
أشعار حرية الحياة غير الطبيعية، وأشار أن
المصطلح الجنب الذي استخدم في الألفي
يعني «مفتيح التقسيم الحبس الجنبية»
بحيث تعلق القرواح بين النحر والألفي على
ما تقوم به الشخص وليس على الموقوف
الضحية أو الفاضحة.

وقد بحث عن هذه نقطة خطيرة، مما بدأ على
الإنسان الحاجة لتدبر العقيدة المسيحية
الاسلامية، بل إن توزيع بيان شروحت فيه
مؤلفها من ثم صيغته الأوسع التي تسمى
وقد تمت العملية والعقيدة الإسلامية، إلا أن الرسول
مؤلفها يقول بالرفض، حتى أن الرسول
الخاص للتدبر وتقر الصريح.

معرفة، إمراسا في إسطنبول، وفي
الثلاثينات) وتم بهذه المناسبة الإعلان عن جوائز لأحسن
الكتابات النسائية التوعوية الصادرة لعام ١٩٨٨ وهي:

من محسنه قس - - - - -
لأمراض سياسية وفكرية حار فيها الطب السياسي والاجتماعي.



Assembly of Muslim Youth

الندوة العالمية للشباب الاسلامي

الرقم ٧١١

مكتب الأمين العام

التاريخ ١٤/٨

Office of the Secretary General

"نداء عاجل إلى كافة المراكز والجمعيات الإسلامية في العالم"

السلام عليكم ورحمة الله وبركاته...

أسأل الله أن تكونوا بخير حال وعافية ،، وبعد:

عقد مؤخراً في مدينة لاهاي الهولندية بتاريخ ٢٠ من شوال ١٤١٩هـ، الموافق السادس من فبراير الحالي حيث إن ذلك المؤتمر يعتبر أحد فصول الحرب التي تتابع يوماً بعد يوم على الأخلاق الفاضلة والقيم السوية، والمؤتمر عقد بدعم ورعاية من صندوق الأمم المتحدة للسكان والتنمية ، وحضر المؤتمر وفود لمنظمات شبابية من مختلف البلدان على امتداد العالم، وحيث إن وقائع المؤتمر ومن بعد توصياته: تصادم الفطرة ، وتهدم القيم الثابتة التي اتفقت عليها الأديان، واجتمع عليها البشر الأسوياء، مثل: "المطالبة بتعميم التعليم الجنسي الشامل، بصفة إجبارية في كافة مراحل التعليم ، وإطلاق الحرية للحديث عن الجنس ، والسلوك الجنسي غير النمطي - المقصود الشنوذ الجنسي - واعتباره سلوكاً طبيعياً مختلفاً عن السلوك النمطي الذي عرفته البشرية ويتعين على المجتمع القبول له".

ونظراً لما يحمله هذا الأمر في طياته من خطورة شديدة ، فإنني ألتوجه إليكم بالنداء إلى توحيد الجهود وبذل التعاون في إنكار هذا المنكر والوقوف صفاً واحداً في مواجهته؛ حتى نحافظ على أخلاقيات أجيالنا ومستقبلهم.

ونأمل منكم توجيه جميع الوفود المشاركة بأنشطة أو مشاريع في مثل تلك البلاد أو المسافرين إليها: أن يكونوا على علم وإحاطة بجوانب هذا الأمر، كما نرجو منكم استنكار مثل هذه الأمور والتعاون مع الهيئات والمؤسسات في التحذير والتنبية على أخطارها ..

هذا والله تعالى يحفظكم ويرعاكم ،،،

والسلام عليكم ورحمة الله وبركاته...

الأمين العام

للندوة العالمية للشباب الإسلامي

وعضو مجلس الشورى

د. مانع بن حماد الجهني



*ملاحظة:

تجدون مرفقا به ١٥ صفحة توثيق لتطور المؤتمرات في الأمم المتحدة ذات العلاقة بالحرية الجنسية والإباحية.

* مرورا بمؤتمر المكسيك والمستوطنات البشرية والمرأة

* مؤتمرات الأمم المتحدة من السكان في القاهرة إلى
الشباب في لاهاي

* اطلاق الحريات الجنسية ... وإباحة الإجهاض ..
والمساواة التامة في الموارد ..

* أبرز أهداف مؤتمرات صندوق الأمم المتحدة للسكان

لم يأت مؤتمر الشباب الدولي الذي عقد في لاهاي في هولندا في الفترة من ٥-٧ فبراير الماضي ، ومؤتمر الدبلوماسيين الذي عقد بعده مباشرة ، من فراغ فقد سبق هذين المؤتمرين سلسلة من المؤتمرات الدولية التي مولها صندوق الأمم المتحدة للسكان والتنمية ، التي كان أبرزها مؤتمر السكان في المكسيك عام ١٩٨٤م ، ثم مؤتمر السكان والتنمية الذي عقد في القاهرة عام ١٩٩٥م ، والمؤتمر العالمي الرابع للمرأة في بكين والذي حضرته ٤٠ ألف امرأة من مختلف أنحاء العالم وجاءت وثيقته في ٢٠٠ صفحة ، ومؤتمر المستوطنات البشرية في تركيا..

فالهدف الواضح من هذه المؤتمرات المتتابعة استحداث قيم ومفاهيم وسلوكيات جديدة ، وتعميمها وعولمتها ، خاصة فيما يتعلق بمفهوم "الأسرة" و "العلاقات الاجتماعية" ، و "العملية الإنجابية" أو ما أطلق عليه "الصحة الإنجابية" .. والمحاور الأساسية لهذه المؤتمرات دارت حول ثلاث ركائز أساسية وهي : الإجهاض والجنس والمواريث.

ولم تخف الوثائق والتوصيات الصادرة عن مؤتمرات السكان بدءا من مؤتمر السكان في المكسيك ، وانتهاء بمؤتمر الشباب في "لاهاي" رؤيتها تجاه هذه القضايا الثلاث والتي صاغت في منطلقها ورؤيتها الأديان السماوية والأعراف والتقاليد الاجتماعية للراسخة ، وبالنسبة للمواريث يريدون التحلل من الشرائع والتقاليد التي تحدد نسبة المواريث ، أما عن قضية "الجنس" و "العلاقات الجنسية" فقد حاولت هذه المؤتمرات إدخال مصطلحات وتعريفات جديدة وتعميمها بل ، والمطالبة بتدريسها في المراحل التعليمية ، ولم تخف هذه المؤتمرات أن هدفها "الاباحه الجنسية" و "ألا تقتصر العلاقة الجنسية على العلاقة الزوجية" و طالبت بصراحة شديدة بتدريس ما يسمى بـ "الثقافة الجنسية" بل إقامة علاقات جنسية بين ما يسمى بـ "الجنس" وتركت هذا المصطلح عاما ومبهما.

هذا التقرير يستعرض أبرز أهداف هذه المؤتمرات وسلوكيات ومفاهيم غريبة ، بل ومحاولة إلزام الدول بها .. مؤتمر القاهرة ..

أثار مؤتمر السكان والتنمية الذي عقد في القاهرة ، والوثائق والتوصيات التي صدرت عن المؤتمر ، جدلا واسعا على الساحتين العربية والإسلامية بل والدولية .. نظرا لما احتوته وثائق وتوصيات المؤتمر من تصعيد خطير في الهجمة الشرسة على الأديان السماوية والقيم الانسانية والأخلاقية .

ولعل الكلمة التي ألقاها رئيسة وزراء باكستان السابقة بناظير بوتو أمام المؤتمر ، تعبر بوضوح عن خطورة هذا المؤتمر ، فقد قالت بناظير بوتو "من

المؤسف أن وثيقة المؤتمر تحتوي نصوصا خطيرة تضرب موقع القلب في كثير من القيم الحضارية ، في الشمال والجنوب ، في المسجد والكنيسة " !!

وحفلت الوثائق الصادرة عن المؤتمر بالألغام البشعة التي لا يمكن فهمها إلا باستيعات دلالات النصوص الإنجليزية ، ومن وجهة نظر قانونية غريبة بحتة .
فالوثائق الأساسية للمؤتمر حفلت بمصطلحات مثل:
" الصحة الإنجابية" (١) (٢) و " الحقوق الجنسية" (٣) و " المتحدين" (٤) و " حقوق الأشخاص الإنجابية" و " حقوق الأشخاص للصحة الجنسية" هي مصطلحات مستحدثة ومغرضة ، فبينما يتكلم الإعلان عن حقوق " المتحدين" (٤) و " المتعايشين" يبتعد النص عن ذكر الأسرة بوصفها الأساس الطبيعي والوحيد لأي مجتمع بشري .

ولا يمكن أن يخطر ببال الإنسان العادي أن معظم جهود المؤتمر انصرفت إلى نقاش مواضيع مثل الإجهاض والحقوق الجنسية وما يسمى بالصحة الإنجابية، في مؤتمر عقد لنقاش مشاكل التنمية ، وهذا ما يفهم من عنوانه.

ولابد من توضيح أن مصطلح الصحة الإنجابية هو مصطلح غامض يبدو من خلال تأمل نصوص مؤتمر القاهرة والمؤتمرات اللاحقة له: أنه يهدف إلى تحليل الإجهاض " الأمن" !:

وأجدي طريقة لفهم أبعاد نصوص الوثيقة وأخطارها هي النظر في التحفظات التي أبدتها ٢٣ دولة على نص الإعلان وهذه التحفظات تركزت في أربعة اتجاهات .

١- الاعتراض على مصطلحات مثل الصحة الإنجابية إذا كانت تعني حرية الإجهاض .

(١) أنظر استعمال هذا المصطلح في إطار برنامج تنظيم الأسرة ، وثيقة برنامج عمل القاهرة الباب الثالث الفقرة ٣،٢٧ ، فإذا كانت الصحة الإنجابية تقتصر على العناية بصحة المرأة الإنجابية ، فلماذا يتم إدخالها في برنامج تنظيم الأسرة كوسيلة لتأمين التنظيم الأمري (تحديد أعداد الأسرة) ..

(٢) أيضا تستعمل الوثيقة مصطلح " الاختيارات الإنجابية" ، أنظر الباب الحادي عشر ، الفقرة ١١،٩ هل تعني هذه الكلمات حرية الإجهاض كخيار إنجابي ؟ المرجح نعم ، نظرا لغموض المصطلح وسياق استعماله .

(٣) مصطلح " الصحة الجنسية " Sexual health برنامج عمل القاهرة الباب الثامن .

(٤) المتحدين والمتعايشين Unions and Couples حيث تحفظت بعض الدول على هذه الكلمات، ونذكر منها جمهورية الدومينيكان حيث قالت في تحفظها : " تدخل تحفظا علينا على المصطلح Couple عندما يقصد منها أشخاصا من ذات الجنس (من جنس واحد) أو حينما تذكر حقوق الأشخاص الإنجابية خارج إطار الزواج والأسرة . وهذه التحفظات تسري على جميع الاتفاقيات الإقليمية والدولية التي تشير إلى هذه المصطلحات".
وثيقة برنامج عمل القاهرة في الصفحة ١١٨ .

٢- الاعتراض^(٥) على مصطلحات المتعاشين والمتحدين وحرقات الأشخاص فيما إذا كان المراد بها الحياة غير النمطية ، والتأكيد على أن الزواج هو العقد المبرم بين الرجل والمرأة والذي يكون الأسرة كالجهاز الاجتماعي المسئول عن إنجاب وتربية الأطفال .

٣- الاعتراض على المصطلحات التي تخول " الأشخاص " الحريات المختلفة كالصحة الإنجابية والصحة الجنسية ... الخ .

٤- الاعتراض على نص الإعلان الذي يصرح بأن للأسرة أنواعا خمسة وأنماط مختلفة في المجتمعات البشرية .

وقد كان هذا النص موضع مناقشات حادة ، فماذا يعني: أن للأسرة أنواع وأنماط مختلفة بحسب الوسط الاجتماعي^(٦).

وقد يخطر ببال المرء أن هذا يشمل موضوع تعدد الزوجات ، ولكنه بعيد كل البعد ، إذ إن الذين اقترحوا النص أساسا وقاوتوا بشراسة لحفظه في نص الإعلان هي الدول الغربية كالنرويج والسويد وكندا وحتى الولايات المتحدة الأمريكية ، وهي دول لا تبيح تعدد الزوجات ولكنهم أرادوا إصباغ صفة التحليل على ما يسمى بأسر الشواذ أو أسر الجنس الواحد .

ولهذا فلقد أكدت دول جنوب أمريكا اللاتينية وبعض الدول العربية والإسلامية على أن الزواج هو العقد المبرم بين الرجل والمرأة^(٦).

^(٥) الباب الخامس ، الفقرة ٥,٢ تحدد أهداف الوثيقة بالتالي " لتدعيم الأسرة بشكل أفضل ، وتدعيم استقرارها مع الأخذ بعين الاعتبار تعدد أنماطها " . انظر على سبيل المثال كتاب " الأسرة وتحديات المستقبل " من مطبوعات الأمم المتحدة صفحة ٣٦-٤٢ . وفيه يجد الباحث الاجتماعي بأن الأسرة يمكن تصنيفها إلى ١٢ شكلا ونمطا ومنها أسر الجنس الواحد أي أسر للشواذ United Nations Same gender family Publications ١٩٩٦ at page ٣٦-٤٢ ISBN ٩٢ ١ ١٣٠١ ٦٣ ٣ .

challenges for the Future

^(٦) لما للفقرة ٥,١ فتقول " بينما تتواجد أنماط مختلفة في الأسرة في النظم الاجتماعية والحضارية والقانونية والسياسية المختلفة ، فإن الأسرة هي الوحدة الأساسية في المجتمع ويجب أن تمتع بالحماية والدعم الشامل " . ومن الجدير بالذكر أن لن نيكارغوا تحفظت على عبارة أنماط مختلفة من الأسرة قليلة " لا يمكن بحال أن تتغير طبيعة الأسرة الجوهرية . فجوهر الأسرة هو الاتحاد بين الرجل والمرأة والذي منه نتاج الحياة البشرية الجديدة " . انظر وثيقة عمل القاهرة الصفحة ١١٥ . وتحفظت السلفادور على نفس العبارة بقولها إذ أعربت عن قلقها عن الكيفية التي " سيتم وفقها تأويل عبارة (أنماط مختلفة من الأسرة) ، لأن الزواج هو دوما بين الرجل والمرأة ، كما يتم تعريفه وفق قانوننا الأسري ومستور جمهوريتنا " . انظر وثيقة القاهرة صفحة ١١٢ ، وسار تحفظ البرغواي في نفس الطريق مؤكدا بأن " دستورنا يعتبر الأسرة هي أساس تخوفات هذه الدول من إدخال ما يسمى بأسرة الجنس الواحد : كنمط في " أنماط " الأسرة المختلفة والتي أرادت الدول الغربية أن يشمل أسر الشواذ بطبيعة الحال . ولولا خطورة الموقف حقيقة لكان التحفظ بهذا المعنى أشبه أن يكون بمن عرف الماء بالماء ، ولكن الوضع الحالي يقتضي الإصرار على أن يعرف الإنسان ما تعارف عليه البشر سابقا على كونه بديهية منطقية .

إنه لمن المؤسف بحق أن تصل البشرية إلى الحد الذي لم تصله من قبل ،
الحد الذي تعيد فيه صياغة مفهوم الأسرة لتخرج منه إلى أن اجتماع الشواذ العقيم
هو أحد أنماط الحياة الأسرية.

أما الأجزاء العديدة من الإعلان التي تخالف العقيدة الإسلامية ، بل وتحاربها
فهى بحاجة إلى صفحات من الدراسة والتمعن الدقيق ، ويكفى دلالة على أن
أهداف تلك المؤتمرات (ومن بينها مؤتمر القاهرة) تصب في حقل العداء ضد
الأديان ، حيث إن وثيقة القاهرة لم تتضمن إشارة إيجابية واحدة إلى دور الأديان
السماوية في الحفاظ على القيم الإنسانية العليا ومنها الأسرة والعفة . وعدم جواز
الزنى ، فكيف والكلام في حريات " الأشخاص " وصحتهم الجنسية والإنجابية ، إذ
لا ينبغي التشجيع على العلاقات الجنسية خارج إطار الزواج .

المؤتمر الدولي الرابع حول المرأة

بكين ٤-١٥ أيلول /سبتمبر ١٩٩٥م

من أكبر مفاجآت مؤتمر المرأة العالمي الرابع في بكين ظهور عبارة Sexual
Orientation التي تفيد^(٨) حرية الحياة غير النمطية كحق من حقوق الإنسان في
نص المادة ٢٢٦ من نص وثيقة مؤتمر بكين . ولكن الوفود المشاركة من كثير
من الدول طلبت تعريف المصطلح أو حذفه ، في الوقت الذي زعمت فيه الدول
الغربية وعلى رأسها الدول الاسكندنافية ، كندا ، والولايات المتحدة ، ودول

(٨) تقول إسرائيل في تحفظها الذي علقت فيه على قضية الحياة غير النمطية وحرية التوجه الجنسي " إن وفد
إسرائيل إلى مؤتمر المرأة الدولي الرابع يود أن يقدم النص التاويلي التالي فيما يتعلق بوثيقة بكين (المسماة
بقاعدة العمل (The Platform of Action)) فقرة ٤٦ . إن إسرائيل كانت تفضل الإشارة العلنية (المباشرة) إلى
الحواجز التي تواجهها النساء بسبب توجههم الجنسي (توجههم إلى الحياة غير النمطية) . ولكن ، وفي ضوء
التفسير الذي أعطى للكلمات " أسباب أخرى" من قبل لجنة حقوق الإنسان في الأمم المتحدة ، فإننا نفسر
الكلمات " أسباب أخرى" . على أنها تتضمن الحياة غير النمطية (التوجه الجنسي) . وقالت الولايات
المتحدة في تحفظها على المادة ٤٦ " إن للحكومة الأمريكية موقف حازم تجاه سياسة عدم التمييز على أساس
الاتجاه الجنسي (الحياة غير النمطية) وتعتبر حذف / إلغاء الإشارة إلى الحياة غير النمطية في المادة ٤٦ وفي
غير ذلك من الأماكن في وثيقة بكين (المسماة بقاعدة العمل) لا يشكل تبريرا لاي تفرقة / تمييز على أساس
التوجه الجنسي في أى دولة . وقدمت دولة جنوب أفريقيا تحفظا على المادة ٩٦ والتي تقول " حقوق الإنسان
للمرأة تشمل حقهم في التقرير وحرية وبشكل مسئول كل القضايا المتعلقة بـ حياتهم الجنسية بما يشمل
الصحة الجنسية والإنجابية ، بشكل يخلو من القهر والتفرقة والعنف " وقالت جنوب أفريقيا في تحفظها بأن
نص هذه المادة " يشمل حق الحرية من القهر ، التفرقة ، والعنف ضد أشكال الاتجاه الجنسي (الحياة غير
النمطية) . إن وفد جنوب أفريقيا يريد أن يوضح بشكل كامل بأنه لا يريد أن يكون على صلة بأي شكل من
أشكال التفرقة " . فأنظر يا أخي جنوب أفريقيا وإسرائيل اللتان لا تعرفان معنى حقوق العربي في أرضه أو
الأسود في أرضه أبدا من ناحية أخرى " حقوق الإنسان" في التوجه الجنسي . ومن ناحية أخرى وقفت الدول
الإسلامية كإيران وماليزيا والعربية كإمارات ومصر وليبيا ... الخ ودول جنوب أمريكا اللاتينية الكاثوليكية
والكرمي الرسولي (الكنيسة الكاثوليكية) موقفا واحدا تجاه هذه القضايا ، حتى أن الصين نفسها لم تسبح رغم
شيوعيتها مع الولايات المتحدة والدول الغربية في هذا البحر ، بل كان موقفها مؤيدا لدول عدم الانحياز (كتلة
G/٧٧) .

الاتحاد الأوروبي على أن العبارة لا تضيف حقاً جديداً من حقوق الإنسان وحرياته.

وعلى الرغم من أن هذه العبارة تم حذفها إلا أن إدخالها كان المرة الأولى من نوعها في تاريخ مؤتمرات الأمم المتحدة . وكانت المفاجأة الثانية: أن إحدى المصطلحات التي حفلت بها وثيقة القاهرة لعام ١٩٩٤م وهو مصطلح " الجندر " الذي لا يعني نوع الجنس من حيث الذكورة أو الأنوثة .

فلقد ظهر هذا المصطلح في وثيقة مؤتمر القاهرة في ٥١ موضعاً ، ولكنه لم يثر نزاعاً إذ تمت ترجمته بما يفيد نوع الجنس ، وكان مصطلحاً جديداً لم يثر الانتباه .

ولكن جهود بعض المحافظين من النصارى الغربيين أدت إلى كشف النقاب عن مخبات ذلك المصطلح^(١).

تقول الموسوعة البريطانية في تعريف ما يسمى بالهوية الجندرية Gender Identity : إن الهوية الجندرية هي " شعور الإنسان بنفسه كذكر أو أنثى . وفي الأعم الأغلب فإن الهوية الجندرية والخصائص العضوية تكون على اتفاق (أو تكون واحدة) ، ولكن هناك حالات لا يرتبط فيها شعور الإنسان بخصائصه العضوية ، ولا يكون هناك توافق بين الصفات العضوية وهويته الجندرية (أى

^(١) ورد مصطلح الجندر Gender ٥١ مرة في وثيقة إعلان القاهرة . أما إعلان بكين فاحتوى ٢٥٤ موضعاً ذكر فيه المصطلح .

ونظراً لأن فرقة العمل التي خصصت لتعريف مصطلح " الجندر " باءت بالفشل ، إذ أصرت الدول الغربية على وضع تعريف يشمل الحياة عبر النمطية كملوك اجتماعي ورفضت الدول الأخرى أى محاولة من هذا النوع فكانت النتيجة أن عرفت اللجنة المصطلح بـ " عدم تعريفه The non definition of the term Gender ، وذلك على الرغم من اعتراض الكثير من الدول المحافظة فكان " عدم التعريف " هو تحويل تفسير الكلمة إلى معناها بحسب استخدامها الشائع في الأمم المتحدة ، وهو تعريف خطير ، فلو كان للكلمة في عام ١٩٩٥م استعمالاً شائعاً لما خطر ببال دولة من الدول أن تتفق أيام المؤتمر باحثة عنه ، وإن كان شائعاً ذلك الشيوع فلم لم تتجح فرقة العمل المسؤولة على التعريف في تعريف أجدى من تعريف المصطلح بـ " عدم تعريفه " وإحالة معناه إلى الاستخدام الشائع للمصطلح في الأمم المتحدة " .

وهذا يفتح الباب أمام خلق التعريف من قبل أجهزة الأمم المتحدة الليبرالية كصندوق السكان وأشباهها .

وما أجمل قول البرفسور أحمد الحلیم من وفد السودان إذ قال :
" إن بعض الناس يحاولون صرف الأنظار وإنشاء حقوق جديدة ، وهذا ما يستهلك الكثير من وقتنا ، ونتيجته في نهاية اليوم ، ستكون عقيمة " . ووقفت الكنيسة الكاثوليكية ومعها دول أمريكا اللاتينية على نفس المحور ، إذ يقول تحفظ الكنيسة الكاثوليكية : " يفهم الكرسي الرسولي أن مصطلح " الجندر " يعني الهوية الجنسية العضوية كذكر أو أنثى " . وأضاف الوفد : " ويستبعد الوفد الرسولي أى تفسير متعدد الوجوه مما يستند إلى أفكار دنيوية تتبنى أن الهوية الجنسية يمكن أن تتلام وبشكل تام لاستخدامات وأغراض مختلفة وجديدة " .

وقالت البراغوى : " إن حكومة البراغوى تفسر المصطلح " جندر " الذي تم الأخذ به في وثيقة هذا المؤتمر ، على أنه يشير إلى الجنسين معا ، الذكر والأنثى " .

شعوره الشخصي بالذكورة أو الأنوثة) . ومثال ذلك الحالات التي يريد فيها الإنسان تغيير خصائصه العضوية ، بالرغم من أن خصائصه العضوية الأصلية (الطبيعية) واضحة وغير مبهمة ، ولكن الشخص المصاب يعتقد بأنه يجب أن يكون من أصحاب الجنس الآخر .

لذلك: فإن الهوية الجندرية ليست ثابتة بالولادة ، بل تؤثر فيها العوامل النفسية والاجتماعية بتشكيل نواة الهوية الجندرية وهي تتغير وتتوسع بتأثير العوامل الاجتماعية كلما نمت الطفل .

" كما أنه من الممكن أن تتكون هوية جندرية لاحقة أو ثانوية لتتطور وتطغى على الهوية الجندرية الأساسية ، حيثما يتم اكتساب أنماط من السلوك الجنسي في وقت لاحق من الحياة ، إذ إن أنماط السلوك الجنسي والغير نمطية منها (بين الجنس الواحد) أيضا تتطور لاحقا " .

* أما تعريف منظمة الصحة العالمية فهو أدهى من تعريف الموسوعة البريطانية للهوية الجندرية .

إذ تعرف المنظمة مصطلح الجندر على أنه :
" المصطلح الذي يفيد استعماله ، وصف الخصائص التي يحملها الرجل والمرأة كصفات مركبة اجتماعية ، لا علاقة لها بالاختلافات العضوية " .

أما في بكين فلقد أسفر بحث الوفود في المعنى الحقيقي للمصطلح إلى صواع استمر أياما ، وأدى إلى إنشاء لجنة خاصة لتقوم بتعريفه . وبيت القصيد هنا أن الدول الغربية رفضت تعريف الجندر بالذكر والأنثى ، ولم تتجح اللجنة في تعريف الجندر ، بل خرجت متفقة على عدم تعريفه . وهذا ما يثبت سوء النية وبعد المرمى ، فلو أن الجندر لا تتضمن الحياة غير النمطية كسلوك اجتماعي فلم الاعتراض على تعريفها بالذكر والأنثى فقط.

وأما الأسرة فلقد خرج مؤتمر بكين بتوصيات مفادها: أن للأسرة أنواعا وأنماطا تختلف بحسب المجتمع^(١٠) ، واستطاعت الدول المحافظة بجهد جهيد

(١٠) وقفت الكنيسة الكاثوليكية مع الدول الأمريكية اللاتينية ضد الاعتراف بتعدد " أنماط" الأسرة واختلافها بحسب الأموال السائدة في المجتمع " إن الكرسي الرسولي لا يمكنه القبول بأي مفردات مبهمة تتعلق بـ المباداة غير المقيدة على الحياة الجنسية والإخصابية وخاصة وأن هذه يمكن أن تفسر كقبول اجتماعي بالحياة غير النمطية " (الشذوذ الجنسي) .

لما إيران فقد أعربت في تحفظها عن أن الوثيقة الختامية لمؤتمر بكين " تقف دون الاعتراف بالأسرة ومساهماتها (في التطور) وأهمية استقرار الأسرة والحفاظ على قواعدها".
بينما أكدت الجماهيرية الليبية في تحفظها بأن " حقوق " الأشخاص والمتعاشين في تقرير عدد وتباعد مواليدهم في الزمن " بأن هذه الحقوق لا تمنح في مجتمعنا خارج إطار الحياة الزوجية القانونية ، وبالتالي التحفظ على المواليد ٩٥ و ٢٢٣ .

إدخال كلمتي الزوج والزوجة في إطار السياق ، ورفضت الدول الغربية إدخال كلمة التقليدية في وصف الأسرة وأنماطها ، وكانت منظمات الشواذ وراء هذا الموقف ، إذ اعتبرت إدخال كلمة " التقليدية " عودة إلى الوراء وانتكاساً للمكتسبات التي تم تحقيقها في القاهرة .

ومرة أخرى فإن نص بكين يشير إلى الأديان في ١١ موضعاً من نصه ، ويتم وصف الدين على أنه حائل أو مانع أو حاجز أو شكل سلبي .

مؤتمر استنبول للمستوطنات البشرية

تركيا في ٣-١٤ حزيران ١٩٩٦م

وفي مؤتمر المستوطنات البشرية الذي عقد في تركيا تحدد مرة أخرى الصراع حول موضوع الأسرة ، وهل هي خلية اجتماعية يجب تدعيمها أم هي الاطار التقليدي الذي يجب الانفكاك منه ، واستحدث مفهوم جديد للأسرة، وعلاقة جديدة بين السكان ، بل ومفهوم جديد وغريب للسكن .. وتزعمت كندا ودول الاتحاد الأوروبي الدول التي تطالب بضرورة استحداث أطر وأنماط جديدة لـ "الأسرة" .

أما الصين ودول عدم الانحياز فوقفوا ضد هذا الموقف ، وكان الحل الوسط تبني النص الذي يقارب إعلان القاهرة إذ تضمن الإشارة إلى الزوج والزوجة مع الإبقاء على تعدد " الأنماط " ، و " الأنواع " وقد ترك اللفظ على عمومته وغموضه إرضاء للجماعات التي تطالب باستحداث زواج بين "الجندر" !!

قوار لجنة حقوق الإنسان

في قضية تونون ضد استراليا

لجنة حقوق الإنسان هي الجهاز المنشأ وفق^(١٢) بروتوكول خاص ملحق بمعاهدة حقوق^(١٣) الإنسان المدنية والسياسية لعام ١٩٦٦م ، ولهذه مراقبة وفاء الدول الموقعة على الاتفاقية لالتزاماتها الدولية .

Optional Protocol to the International Covenant on Civil and Political Rights (UN) .

(١٢)

The United Nations (١٦.١٢. ١٩٦٦) International Covenant on Civil and Political Rights.

(١٣)

ولا تشير الاتفاقية في أى بند من بنودها إلى الحقوق الجنسية أو إلى الحياة غير النمطية ، بل إنها تشجع على احترام وصيانة حق الزواج وحرمة الحياة العائلية^(١٤).

ولكن أحد الشواذ الاستراليين واسمه تونون Nicholas Toondn أدعى أمام هذه اللجنة^(١٥) بأن قانون العقوبات في إحدى الولايات الاسترالية (تسمانيا) والذي يوقع العقاب على من مارس السلوك الجنسي الشاذ هو قانون يتنافى مع التزامات استراليا تحت ميثاق معاهدة حقوق الإنسان المدنية والسياسية .

وأغرب ما في الأمر أن تونون هذا رفع الدعوى ولم يكن ملاحقا من القضاء الـ "تسماني" بشكل أو بآخر ، إذ إن قانون العقوبات التسماني الخاص بمكافحة الشذوذ الجنسي كان نائما . في كتاب القانون ولم يأخذ به منذ عام ١٩٨١ م . إلا أن نيكولاس تونون اعتبر وجود القانون بحد ذاته خرقا لحقوقه وتدخل في حياته الخاصة .

أما العجيب فإن لجنة حقوق الإنسان استطاعت أن توسع نص الاتفاقية - بما يخالف إرادة الدول المتعاقدة - لتشمل حرية الحياة الجنسية غير النمطية وعدم جواز تدخل الدولة في الحياة الخاصة للأفراد تحت باب المصلحة العامة أو حماية الأخلاق أو منع انتشار الأمراض .

وقالت اللجنة بأن استراليا كطرف في الاتفاقية ملزمة باحترام هذه الحقوق تحت المعاهدة الدولية وأعطيت استراليا ٩٠ يوما لتقوم^(١٦) تسمانيا (الولاية / المقاطعة الأسترالية) بتنفيذ قرار اللجنة الذي يقضي بتعديل قانونها الجنائي بما يتفق والتزامات الدولة الأسترالية .

مكتب المفوضة^(١٧) العليا لحقوق الإنسان :

التقت المفوضة العليا لحقوق الإنسان في الأمم المتحدة في نهاية العام الماضي - ماري روبنسون رئيسة جمهورية أيرلندا السابقة - بـ الحلف الدولي للشواذ

(١٤) المادة ٢٣ من معاهدة حقوق الإنسان المدنية والسياسية لعام ١٩٦٦ ، المادة ٢٣ للفقرة ١ " الأسرة هي الخلية الجماعية الطبيعية والأصلية (الأساسية) في المجتمع ويجب أن تتمتع بحماية المجتمع والدولة " المادة ٢٣ للفقرة ٢ . حق الرجال والنساء في الزواج وإنشاء الأسرة هو حق يتوجب الاعتراف به .

(١٥) Human Rights Committee Fiftieth Session Communication No, ٤٨٨/٩٠

١٩٩٢ رقم الوثيقة ١٩٩٤ April ٤٨٨/٩٠/٥٠/٩٠ CCPR /C/٥٠/D/٤٨٨/٩٩٢

تاريخ القرار ٣١ مارس ١٩٩٤ م .

(١٦) الصفحة ١١ من قرار اللجنة الدولية لحقوق الإنسان.

(١٧) أنشئ مكتب المفوضية العليا لحقوق الإنسان وفق توصيات المؤتمر الدولي لحقوق الإنسان لعام ١٩٩٣ م بهدف رعاية التزام الدول وتطبيقها لحقوق الإنسان . وكانت المفوضية العامة ماري روبنسون قد ألقت كلمة في العام الماضي أكدت فيها . أن الإعلان العالمي لحقوق الإنسان لعام ١٩٤٨ هو وثيقة حية وقد اكتشفت أن هذه الوثيقة ، وهذه مفاجأة المفاجآت ، تضمنت في ثناياها حماية " حق التوجه الجنسي " أى الحياة الجنسية المثلية .

وتعهدت خلاله بإعطاء كل تأييدها ودعمها لجهود هذا الحلف^(١٨).
وأعلنت ماري روبنسون عن عزمها تعيين مراقب خاص لمتابعة المسائل
المتعلقة بحقوق الشواذ - ومنها حق زواج الجنس الواحد ومكافحة القوانين
المضادة للشذوذ الجنسي - وأكدت تصميمها على حث لجنة حقوق الإنسان
للإعلان على أن كل تفرقة على أساس السلوك الجنسي هي غير قانونية

مؤتمر ١٩ روما لإنشاء المحكمة الجنائية الدولية

روما في ١٤ حزيران ١٨ تموز ١٩٩٨م

وهنا حاولت الدول العربية أن تقوم بدورها في التصدي لمحاولات إصدار
توصيات بتجريم القوانين التي تعاقب على الشذوذ الجنسي وقد استطاعت الوفود
العربية بقيادة وفد المملكة العربية السعودية وقطر كشف النقاب عن محاولة إدخال
جريمة جديدة ضمن تعريف الجرائم المرتكبة ضد الإنسانية ، وهي تجريم القوانين
المضادة للشذوذ الجنسي تحت المادة (٥) رقم (ح) من نص الميثاق الإنجليزي .

إذ أوردت الدول الغربية في النص ما معناه أن كل تفرقة أو عقاب على
أساس "الجندر" تشكل جريمة ضد^(٢٠) الإنسانية . إدخال كلمة Gender في تعريف
الجرائم بالإنجليزية كان أمرا غريبا بحد ذاته إذ إن النص العربي والفرنسي
استعمل كلمة الجنس .

وفي ظل القانون الدولي لا يوجد تعريف واضح ومحدد لمصطلح "الجندر"
يجعله يرتبط بشكل واضح لا لبس فيه بالذكورة والأنوثة فقط .

ففي تقرير لجنة التنمية الاجتماعية بالأمم المتحدة حول " الأحوال الاجتماعية
في العالم " عام ١٩٩٧م ، ذكرت اللجنة بأن " الجندر " مفهوم اجتماعي غير
مرتبط بالاختلافات البيولوجية ، وكنا قد رأينا من قبل كيف عجزت الوفود
المشاركة في مؤتمر بكين حول المرأة عن الوصول إلى تعريف لمصطلح "
الجندر " .

Press release Circulated by the International Coalition of Gay and-^(١٨)
Lesbians .

تقرير صحفي وزعه الحلف الدولي للشواذ ويتمتع الحلف الدولي للسحاقيين والرجال الشواذ (المثليين)

بـ الصفة الاستشارية لدى اللجنة الاجتماعية والاقتصادية في الأمم المتحدة وتعرف باسم .

The Economic and Social Council Ecosoc

Article v paragraph H.

(٢٠)

فلما طرحت الوفود العربية والإسلامية بقيادة قطر والمملكة العربية السعودية وسوريا تساؤلاتها بخصوص استعمال مصطلح " الجندر " بدلا عن " الجنس " فوجئت الوفود العربية والإسلامية بثورة وبالحاح على بقاء لفظة الجندر .

وظهر الخلاف واستمر أياما ، وقال أحد المفوضين العرب : " إن كنتم تقصدون أن هذه ترادف هذه فلماذا الإصرار وإن كانت تختلف في المعنى فافهمونا الخلاف باعتبارها لغتكم لنستطيع أن نرى انسجامها مع القانون أم لا " .

وبعد حوارات طويلة اعترفوا بأنها تعني عدم الحياة النمطية للنوع الواحد ، وبالتالي إذا ما مارس أحدهم الشذوذ الجنسي فعوقب بناء على القانون الداخلي للدولة كان القاضي مجرما بحق الإنسانية ، لأنه عاقب الشاذ بسبب سلوكه الجنسي الذي من حق الشاذ أن يتمتع به ، وأن يبدله تبعا لأهوائه .

وكان موقف الوفود العربية والإسلامية موقفا متشددا وواضحا في أن دس مثل هذه الألفاظ في قانون موضوع للعالم كله هو أمر يخلو من الأخلاق .

ولم تتجح الوفود العربية والإسلامية في حذف كلمة " جندر " من النص الإنجليزي ولكن توصلوا إلى حل وسط^(٢٢) عرف الجندر بأنه يعني الذكر والأنثى في نطاق المجتمع . وكان وفد المملكة العربية السعودية قد أصر على الوقوف في التعريف على الذكر والأنثى بدون ذكر النطاق الاجتماعي ، ولا يخفى على الموء أن إصرار الدول الغربية على عبارة " في نطاق المجتمع " إنما يراد منها الدخول في القول بأن الفروق بين الذكر والأنثى ليست عضوية وإنما هي اجتماعية ، وهذا هو عينه مصطلح الجندر الذي رفضناه في روما .

ومن الناحية الثانية فلقد نجحت الدول الغربية في تعريف كلمة الجنس في اللغات الأخرى بشكل يقربها من مصطلح الجندر ، وهي تعرف الآن وفق الميثاق بأن الجنس يعني الذكر والأنثى في نطاق المجتمع .

وإن أخطر الأمور في القانون القبول بصياغة ترضي طرفي النزاع ، إذ إن كلا من الفريقين سيدعي انتصار قضيته في المستقبل .

يبقى أمر تفسير الاتفاقية أمرا تابعا لقضاة المحكمة في القرن القادم .

Article ٧ paragraph ٣ - (٢٢)

المادة السابعة رقم ٣ .

مؤتمر الشباب في براغ البرتغال

آب ١٩٩٨م

استطاعت المنظمات الليبرالية والشاذة إدخال كلمة مرض "الخوف من الحياة غير النمطية" و "الشذوذ الجنسي" في نص الإعلان ، ويقضي الإعلان بمكافحة " التفرقة العنصرية والعرقية ومرض الخوف^(٢٣) من الشذوذ الجنسي " ، وقد أرادت هذه المنظمات إدخال كلمة حرية الحياة غير النمطية Freedom of sexual orientation ، فلم تنجح في ذلك نظرا للمعارضة التي لقيتها محاولتهم من بعض المنظمات المسيحية المحافظة ، علما بأن معظم المنظمات التي اجتمعت في المؤتمر تمثل النزعة " الليبرالية " المعادية للأخلاق والقيم الدينية .

مؤتمر لاهاي للتنمية والسكان

لاهاي هولندا ٦-١٣ فبراير ١٩٩٩م

وفي مؤتمر لاهاي استطاعت جماعات الشواذ الاستحواذ على هذا المؤتمر الذي دارت فعالياته ثلاثة نطاقات :

النطاق الأول والثاني:

مؤتمر الشباب ومؤتمر المنظمات غير الحكومية بين ٦-٧ شباط / فبراير

١٩٩٩م

أما النطاق الثالث :

فهو مؤتمر الدبلوماسيين وعقد بين ٨ - ١٣ شباط / فبراير وكان هدف هذه المؤتمرات التحضير لمؤتمر نيويورك الدولي الذي سيشترك فيه ممثلو حكومات العالم بين ٢٢ - ٣٠ آذار مارس القادم ، وإعداد توصيات هذا المؤتمر ، حيث يخطط لأن تسفر هذه اللقاءات عن اتخاذ خطوات التنفيذ الجدي والفعال لإعلان القاهرة لعام ١٩٩٤م لتتهدى وتلتزم به كافة الدول المشاركة في الأمم المتحدة .

^(٢٣) ويعني مصطلح Homophobia : أن أى إنسان ممن يعارض الحياة الجنسية المثلية (الشذوذ) هو إنسان مصاب بمرض وسواسي أو هوسي يدفعه إلى معارضة الحياة الجنسية المثلية . وكان إدخال هذا المصطلح جزءا من برنامج عمل طويل قام بحبكة من القوانين في الأمم المتحدة للقنن فوق القوانين الوطنية والمحلية والاعتقادات الدينية التي ترفض هذا السلوك للشاذ وتكافحه .

وقد تبنى مؤتمر الشباب أطروحات جماعات الشواذ والتحلل ، التي تقاثل بشراسة في كل المحافل والمناسبات الدولية دفاعا عما تعتبره " شرعيتها " وعما تعتبره " حقوقا " لها .

يقول الإعلان^(٢٤):

" يجب أن يكون التعليم الجنسي الشامل إلزاميا على جميع المراحل ، ويجب أن يغطي المتعة الجنسية والثقة والحرية عن التعبير الجنسي والسلوك الجنسي غير النمطي " .

كما يدعو الإعلان الحكومات إلى " عدم التفرقة بين الشباب على أساس من العرق أو الدين أو الحضارة أو الجنس أو التوجه الجنسي (الحياة غير النمطية) أو السلوك والنشاط الجنسي "^(٢٥).

كما يطالب بإنشاء جهاز خاص في كل مدرسة " لتحطيم الصور التقليدية والسلبية للهوية الجندرية ، للعمل على تعليم الطلبة عن حقوقهم الجنسية والإنجابية (المتعلقة بالجهاز العضوي الإنجابي) ولهدف خلق هوية إيجابية للفتيات / النساء للفتيان / الرجال " .

ولئن قارنا هذا الإعلان بنص مؤتمر القاهرة لعام ١٩٩٤ م ، وجدنا: أن أهميته الحقيقية هي تفسير وإلقاء الأضواء الكشافة على المعاني المخبأة في الغار مصطلحات نص مؤتمر القاهرة .

فالمادة ٤٠١٩ من نص إعلان القاهرة تدعو إلى تحكيم " التفرقة الجندرية "^(٢٦).

وإلى " إزالة الصور التقليدية لأدوار الجنسين من مناهج التعليم والتواصل " أما الدين فيراه الشباب على أنه شئ سلبي ولذلك يتحتم " تعليم وتوعية رجال الدين " بحيث " يستشعروا " مطالب الشباب وحررياتهم^(٢٧).

^(٢٤) في صفحته السابعة تحت باب الصحة الجنسية والإنجابية فقرة : حقوق الإنسان المادة ١ .

^(٢٥) في صفحته الثالثة تحت باب التعليم ، المادة ١٢ .

^(٢٦) مؤتمر القاهرة للتسمية والسكان ، إعلان القاهرة للمادة ٤٠١٩ .

^(٢٧) إعلان مؤتمر الشباب (عن مؤتمر التنمية والسكان +٥) الصفحة الرابعة ، باب التطور الشخصي فقرة الجندر ، المادة ٢ .

ويحفل الإعلان في كل صفحاته بمصطلحات مثل " حرية التعبير الجنسي " .
الحريات الجنسية " ، " المتعة الجنسية " حق " الإجهاض " وتوفير " موانع الحمل
" إضافة إلى عدم التفرقة على أساس " السلوك الجنسي " و " التوجه الجنسي " .

ويدعو إعلان الشباب – بوقاحة مطلقة – الحكومات إلى إعادة النظر وتقديم
قوانين جديدة تتناسب مع حقوق المراهقين والشباب للاستمتاع بـ " الصحة
الجنسية " و " الصحة الإنجابية " بدون التفرقة^(٢٨) على أساس " الجندر " . ومن سمع
من قبل بمصطلح مثل " الصحة الجنسية " .

ويطالب الإعلان الحكومات بتحديد قسم من ميزانيتها لتأمين هذه المطالب
وخاصة " موانع الحمل " الإجهاض " و " الإجهاض في حالات الطوارئ " emergency contraception K ، بحيث يتمكن الشباب من " صنع قراراتهم
واختيارها"^(٢٩) .

ولم يكن جميع الشباب الذين شاركوا في مؤتمر لاهاي للشباب على نفس
القدر من الالمام والاطلاع على معنى النص الذي تم طرحه على أنه إعلان
مؤتمر الشباب الدولي .

وقد عقد الشباب العربي في المؤتمر اجتماعا طارئا للشباب العرب أثار ثلثة
المسؤولين في صندوق السكان ضدهم .

وكانت مبادرة الأمين العام للندوة العالمية للشباب الإسلامي الدكتور مانع
الجهني باصدار بيان يوضح موقف الندوة أثناء انعقاد المؤتمر، حيث طرح
بوضوح وجلاء موقف الشريعة الإسلامية من كل ما ظهر في تقرير إعلان
الشباب ، حافظا للشباب العربي والمسلمين وغيرهم للوقوف من جديد ضد بعض
أجزاء الإعلان وفتح باب التصويت عليه مرة أخرى في جلسة إضافية طارئة .

ولكن المشرفين على المؤتمر لم يكونوا ليأذنوا للشباب بإخراج أى كلمة من
النص ولذلك تم تعديل قانون الإجراءات بما يضمن الإبقاء على النص كما هو في
الجلسة الإضافية الطارئة . فبدلا من قاعدة التصويت التي قررت توفر ٦٠% من
الأصوات لإقرار النص ، تم تعديل قانون التصويت إلى ٥١% .

ولذلك فإن صندوق السكان والمشرفين على مؤتمر الشباب نجحوا في تضليل
المشاركين واستيعابهم مرة أخرى .

^(٢٨) إعلان توصيات مؤتمر الشباب ، الباب: الصحة الجنسية والإنجابية الفقرة الجندر GENDER المادة ٤ .

^(٢٩) إعلان توصيات مؤتمر الشباب الباب : الصحة الجنسية والإنجابية ، الفقرة الحكومة والديمقراطية ،

المادة ٧ .

فلقد صوت ٥٥% من المشاركين في مؤتمر الشباب للإبقاء على نص المادة ١ كما هو - ضد ٤٤% من الشباب الذين أصروا على حذف الإشارة إلى حرية الحياة غير النمطية والتوجه الجنسي .

أما المادة ٧ فلقد أقرها ٥٢% من المشاركين ، ضد ٤٤% الذين أرادوا تقييد حقوق الإجهاض بما يقره القانون .

ومن الناحية الأخرى فلقد نجح الشباب العرب ، ونسبتهم لا تتجاوز ٩% من تصعيد الموقف وجذب نصف المشاركين لدعم موقفهم .

وإن النص الختامي لإعلان الشباب يشهد على التغيير الذي تم إدخاله على قانون التصويت ، فبينما يؤكد الإعلان ابتداء على أن النص تم إقراره بنسبة ٦٠% من المشاركين.

فإذا كانت القاعدة في القرار تقضي بتصويت الأغلبية المحددة بـ ٦٠% . فكيف يتم تعديل قاعدة التصويت إبان الجلسة الإضافية الطارئة للنزول بها إلى ٥١% ، ولأى هدف آخر سوى الإبقاء على المقاطع الأكثر قربا إلى قلوب المسؤولين عن الصندوق والمشرفين على أعمال مؤتمر الشباب .

ويعود الفضل في أن النص الحالي يعترف بتبديل النسب إلى الشباب العربي المصري ناصر قسام الذي أصر على أن يذكر النص افتتاحا بنسبة التصويت في قانون الاقتراع ، ولم يخطر في بال المسؤولين عن المؤتمر آنذاك أن هذا يفضح تناقض أول النص مع آخره بما يؤكد تورطهم في تضليل الشباب .

لاهاي وما يليها !

يختتم إعلان الشباب توصياته بفقره " لاهاي وما يليها " ويرد تحتها التالي :

" لن يتوقف هذا هنا ، لقد ابتدأت الحركة ولن تتوقف " .

إن الخطوة التالية هي نقل هذه التوصيات إلى هيئة السكان والتنمية (Commission on Population and Development) والتي ستعقد في نيويورك بين ٢٢ - ٣٠ آذار / مارس ١٩٩٩م الحالي.

هذا اللقاء الذي سيحضر للجلسة الخاصة للجمعية العامة للأمم المتحدة ، ولذلك فإنه .ستعقد الجلسة الخاصة ٣٦ للجمعية العامة للأمم المتحدة بين ٣٠ حزيران / يونيو إلى يوم ٢ تموز / يوليو ١٩٩٩م ، وهذه الجلسة الخاصة ستحدد الخطوات المستقبلية القادمة لتطبيق وتنفيذ توصيات مؤتمر القاهرة وعندها سنرى إذا كانت توصيات الشباب قد أخذت بعين الاعتبار .

**فضيحة جديدة
في إعلان مشيخه للشباب**

التي حدثت في الاهي، خلال الأسبوع الثاني، تؤكد إعادة غنية ترشيح امتحان النشر في الرواية التي تعطي لها الصنف عنوان صدق لا يصدق. ذلك أننا نعرف الأمم المتحدة منظمة دولية حراسة النظام والأمن الدوليين وآخر ما نطهر على السبيل أن تصبح بوقا يذرع التحلل أو التلوث الحسي وقديم الأسبق. أما كيف حدث ذلك، فإليك القصة.

عن الإجهاد الشاق، وبعده السحر، جنسي، وبعده
الانفعالات جاءت مقلدة ومحتشدة، وعظامه الانكسار أي تلك
صوت يشارفها إلى حد استنفاد السائلين البشريين
والضعف بل لم يخف على أحد أن هذه الانفعالات ظلت طيلة
الوقت عاكسة للصوت الأعلى، وأنها انغمست وكان هذا
الأثر عندها يتغير عن وجهة نظرها ويتغير
مطالبها.

يستفيد من ذلك فإن الموضوعين الرئيسيين اللذين هممنا على التمسك، وكانا أهم ما تم التركيز عليه في بين أمور أخرى كثيرة، هما: الأبحاث والجنس. لهذا لم يكن غريباً أن تأتي الدراسات مدمجة إلى أباحه الأبحاث المتكروحات، ومعالجة الحكومات والخطوات الأولية بتدفق البليات.

وان والنسويين صكته وضمنته في الاعلان.

تضمنها الاعلان المطالبة بتعليم التعليم الجنسي الشامل، والتعليم وهذا يتضمن - هكذا بالحق - المنة الجنسية، والسلوك الجنسي غير النمطي (المقصود به الشذوذ الجنسي)، ومحتابا عن السلوك النمطي، الذي عرفت البشرية،

[illegible]

ولما بقيت بعد سيده البيت الأبيض قالوا ان الشاب الذي سأل ان
 اقول له، وجوابي اننا نخصي بامعان، فقاموا ايضا اذبحوا
 وسنعمل على تحقيق مطالبكم، وسنجدوننا جميعا اذبحنا
 فحيرة اشارت الى السيدة ميلاري والتي جموع النبلاء والسلمين

في هذه المذكرة بعين، مبدئية، المؤرخ العربي، الذي قد كانت تحاول ما تضمنته التوصلات، وقد أجمع أنها أرادت في الاستجابة لما طالبوا به (أو الذي فرض عليهم في

التي جعلت القتل مفاعيلاً رافعت إلى التوصلات، وعلمت
أنهم لم يفتنبوا، أعضائيات متفاداة بالذلة، إلى مكان النفس التي
أعزاهم على الاعتراض في ما بينهم وقروا الاعتراض
المؤتمر تجاوزوا اعتراضهم.

واصبحت مواده وروميتها معه لكي يترجم عن مواده
مارس القليل. الامر الذي يثير سؤالا كبيرا عن هؤلاء
الذين قضوا مع المسلمين في مؤتمري القاهرة ودمشق

ورأى مؤلف حازمًا، وحسنًا فعلت الدعوة الصليبية بمقتضى ما
 راعاه منها العلماء المدعوون، مانع الصليبي، إلى إمداد بعض
 مطالب البيان الدول العربية والإسلامية بمدمم الصليبي
 البشعة، وأرجو أن يعد البيان خطبة أولى، فيها لفظ
 البشعة.

المصالح السياسية (وإسراتيجية وحسب) على
ت النوايا العامة تدعو إلى لقاء دولي للرد على الإعلان على
المراجعة للجمعية والسكان أن الإعلان يظهر عن رأي سياسي
عن المصالح عن وثيقة القاهرة بحسبها إجماع القاهرة
ولة تحفظت على تلك الوثيقة، ومن لم يقتر الحيت عن أي

اذن وثيقة الشباب المزعومة على ذلك النحو لا يستغرب منها
اضعف الخطايا إذا ما قورن بأمور أخرى نستعين بالله من

ॐ नमो भगवते वासुदेवाय ॥

عسى الأول). وذلك تمهيداً

لتقديم نتائج هذا اللقاء الى مؤتمر دولي يشترك فيه ممثلو حكومات العالم، ويعقد في نيويورك في الفترة ما بين 22 و30 مارس (آذار) المقبل، حيث يخطط لان تسفر مثل هذه اللقاءات عن اتخاذ خطوات التنفيذ الحدي والفعال لملان القاهرة، بحيث تهددي وتلتزم به كافة الدول المشاركة في الأمم المتحدة.

حضر مؤتمر أمّاني حوالي 300 شاب وفئة يمثلون 120 منظمة شبابية من أنحاء العالم، ومنهم 14 شخصاً دعوا من عشرة أقطار عربية هي: مصر - سوريا - لبنان - الأردن - البحرين - تونس - الجزائر - المغرب - فلسطين - موريتانيا. وكان جميع الحاضرين تتراوح أعمارهم بين 16 و18 سنة.

ورغم أن الفكرة العامة لإداس بها، إلا أن النتائج التي تم التوصل إليها ليست جيدة. والعالم، والوضعيات التي طرحت المواقف عليه، والخطية التي أتت بها كلها، كلها هذه النتائج أصلت بنت حالة تأفقات النيرة للشيخ إمام الدين عبد الله الذي خرج بها مؤتمرات الشباب فكانت صدمة، وللهيبه إلى ما هي إلا الفكرة عطف، السمع والسمع

الشوا والخل، التي تقاوم شمساً في كل الحاف والمسابات الدولية دفاعاً عما تعتبره «شعبها»، وما تعتبره «حقوقاً» لها.

هناك: لم أن استعجل كلمة المصنوع المبتدئ، و استعجلت أن أرى كيف يفسد هؤلاء ما يراء أن يكون «اجتماعاً عادياً». ثم أن النتائج التي تم اختيارها بعبارة مبدئية لحضور المؤتمر كان له دلالة. وقد فعل كل واحد من الصائرين لاختيار غير مباشر لتحديد موقفه، فليس مدركه إلى قاعة المؤتمرات، حيث طالب من «الاهتمام» والجاهلية والابتعاد عن الموضوع. لذا جفت إلى الجفاف.

من مسجدته ومن ثم تحدد الموقف منه. في الوقت ذاته فإن طريق الأمم المتحدة، الذي اتت به توجيهه الصواب ثم تحدد الموقف منه. في الوقت ذاته فإن طريق الأمم المتحدة، الذي اتت به توجيهه الصواب ثم تحدد الموقف منه. في الوقت ذاته فإن طريق الأمم المتحدة، الذي اتت به توجيهه الصواب ثم تحدد الموقف منه.

إضافة إلى ذلك كله فقد وزعت على المشاركين في المؤتمر نشرة «معلومات عامة، صادرة عن المجلس الهولندي للشباب والسكان، غو ألبا: الجنس وحيارات الشباب في هولندا». من باب تدبيرة، والفتان والشبان المشاركون وتوزيعهم، أوردت النشرة معلومات مفصلة حول إمه، ثلاثة هم: كيفية البدء من الصغر، وفيها الإشارة إلى أن وسائل الوقاية من الحمل

متوافرة في كل الحالات العامة، والمأكبات الموجودة في الشوارع، والمحلات والنوادي، وفي حالة الحروب فيستحسن استشارة الطبيب لكي تتعاطى الفتاة الحروب الخاصة التي تسمح لها بممارسة الجنس وهي مطمئنة، أي إن الحمل لن يتم، وفي ختام مقابلة التفكير بأن الفتاة أو الشاب، أما كان عمر الواحد منهما، فهو (أو هي) ليس مقصود الرجوع إلى حارة الفتاة أو الشاب.

الأوبين واستدانتها تعاطي تلك الوقائع.
المسألة الثانية هي الإجهاض، الذي هو مسموح به في كل الوحدات الصحية الخفصة،
وعملية الإجهاض (حسب الشرة) لا يستأذن فيها إلا الوأ، ولا يبلغان بها، فهي من الأمور
الخاصة جداً بالفتاة التي تحتفظ المستشفي أو الوحدة الصحية بأمرها كبير لا يجوز

افتشأوه. وهم يحمون الله لأن معدلات الانخفاض في مؤشرا من أدنى المستويات في العام لا شيء إلا أن وسائل منع الحمل المبتعة حققت نجاحا كبيرا، لا يفضل البرء معها التي الحرة الى عذبة الانخفاض

أبوها مفتوحة على مصارعيها. فهي متاحة بآل زواج، ويرجع بها بغير زواج (في حالة محاشية الشاب للمتاة وحملها منه بغير زواج).^(١) أيضا فإن المثليين (الشابون جسيما) لهم الحق في الزواج الذي اعترف به قانونا منذ عام ١98٨، وهذا العقد محترم أمام الدولة ويرتبط كافة النتائج القانونية والحقوق المالية التي تنشأ عن أي زواج «معتبر» آخر.

هذه هي خلاصة الرسالة « التمهيدية » و « التوجيهية » التي عومت على جميع الأساقفة المشاركين في مؤتمر لاهنا!

هل يسمع «أنان» أنين «بشار»؟

امن مؤتمر الشباب العالمي في لاهاي «يعتدي» على شاب عربي «معارض»

□ الرياض -
محمد الشقاء

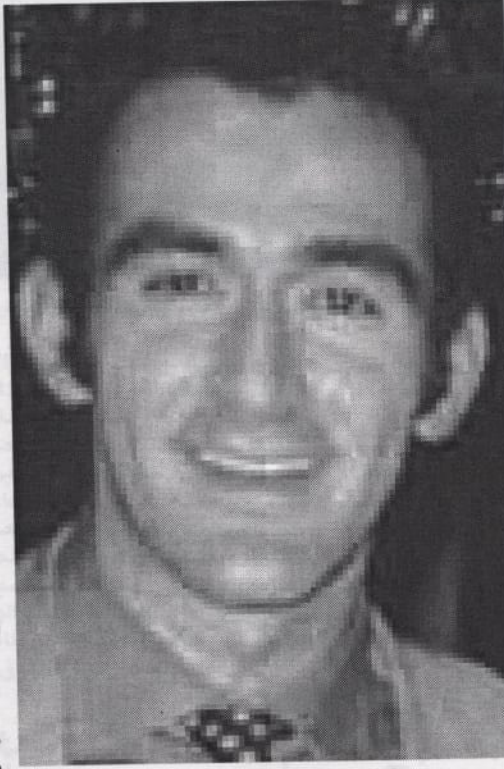
حتى جاء رجال الشرطة الهولندية ووجدوني مرمياً على الأرض، ففكوا قيودي. وقمت بإبلاغ ما حدث الى الشرطة وجمعية الصحفيين الهولنديين وجميع البعثات الدبلوماسية في الأمم المتحدة وعددها ١٨٧ بعثة وكذلك الى المنظمات الإسلامية. وقد فضح هذا الحادث المؤتمر ومنطلقاته وجمعيات الشواذ التي تسيطر عليه.

ويشير بشار الى موقف عضو الكونغرس الأميركي سميت «الذي كان حازماً، إذ طلب من السفارة الأميركية في لاهاي التدخل مباشرة لمعرفة تفاصيل الموضوع والتحقيق فيه ونتائج التحقيق». وقال بشار ان جواب صندوق السكان الموجه الى السفارة الأميركية في لاهاي سلبي بنفي الاعتداء ويؤكد انه سلم بطاقته الصحافية بشكل طوعي، لكنه رفض الخروج من مبنى المؤتمرات. وأشار الى «أن الذي كتب الجواب هو نفسه (سترلينغ سكرجس) الذي قام بالاعتداء عليه».

ويقول: «أن سكرجس ادعى بانني هددت الشباب العرب وغيرهم وصرخت بهم أيضاً، فيما طلب مكتب عضو الكونغرس الأميركي مني تقريراً كاملاً مرفقاً بجميع ما ثبتت العكس».

ويتساءل الجمالي «أين ما يدافع عنه الامين العام للأمم المتحدة كوفي أنان من حقوق الصحفيين وحرية الكلام». وكان يعلق على نداء أنان في اليوم العالمي لحرية الصحافة، ويقول: «أرسلت الشكوى اليه في اليوم التالي من الاعتداء بواسطة مسؤولي صندوق السكان ولم أسمع أي جواب حتى الآن!!».

سالناه عن سبب الاعتداء الحقيقي، وما يقال أنه بسبب توزيعه تقرير الندوة العالمية للشباب الإسلامي الذي يندد بما يحتويه المؤتمر فاجاب: «لا، لأن التقرير وزع في اليوم التالي للاعتداء مباشرة. وكان سبب الاعتداء المباشر قيامي بتحقيق صحفي ليلة الأحد ٧ شباط (فبراير) أدى إلى أن معرفة الشباب العرب خفايا النص الذي لم يكونوا على فهم لأبعاده، نظراً لعدم توفر الترجمة إلى العربية في قاعة المؤتمر وعدم طرح المواضيع الحساسة للنقاش بل وضعها في نص الاعلان من دون أي نقاش». ويضيف: «أن التحقيق الصحفي حرك الشعور في شاب مصري اسمه محمد ناصر قسام، وجعله يعقد مؤتمراً طارئاً يدعو فيه جميع الشباب العربي لمناقشة المواضيع التي تضمنها الاعلان والتي لم يكونوا على علم بها مثل موضوع الشذوذ



بشار الجمالي.

■ في الوقت الذي ناشد الامين العام للأمم المتحدة كوفي أنان الرأي العام الدولي الدفاع عن حرية الصحافة واحترامها لمناسبة اليوم العالمي لحرية الصحافة، لا تزال حاضرة قضية الصحفي بشار الجمالي العربي الأصل النروجي الجنسية المتعرض للضرب بايدي افراد من الامم المتحدة في لاهاي اثناء مؤتمر الشباب العالمي الذي عقد في شباط (فبراير) الماضي، يدعوى «انه هدد الشباب العربي للانسحاب من المؤتمر لتبنيه افكاراً غير اخلاقية». وقد تدخل عضو في الكونغرس الأميركي في القضية مطالباً بالتحقيق في الحادثة. وتفاقم الامر بتدخل الحكومة النروجية اخيراً وطرحها القضية على بساط النقاش في البرلمان.

الحادث الذي مضى عليه حوالى شهرين تشعب وتشعب باحداث، اذ جرى توزيع منشورات تحمل صور الجمالي على حرس الامم المتحدة اصدرها «صندوق السكان».

بشار الجمالي مراسل مجلة «المستقبل الإسلامي» تحدث الى «الحياة» عن الحادث وملابساته والحد الذي وصل اليه. واكد في بداية حديثه «أن الاعتداء كان مدبراً، بدليل وضع الكمين الذي قادوه اليه وضربوه فيه بهدوء». ويقول حول بدايات الحادث: «دار حوار بيني وبين احدى المسؤولات عن صندوق الأمم المتحدة للسكان حول دور الأمم المتحدة وأجهزتها، وأنه ينبغي أن لا تتبنى منطلقات الجمعيات الشاذة. وأثناء ذهابي إلى إحدى قاعات المؤتمر استوقفتني المسؤولة العليا في مؤتمر الشباب واسمها جييك فان كابين، فطلبت منها تمكيني من الحضور لكنها منعتني، فقدمت شكوى ضدها الى المسؤولة عن الصحافة في صندوق الأمم المتحدة للسكان كارير شينان، فقامت هذه باصطحابي إلى أحد الممرات لمقابلة المسؤول عن الأمن في المؤتمر، وفجأة وجدت نفسي في الممر محاطاً بأربعة من رجال أمن الأمم المتحدة، أحدهم اسمه بيتر زميرلي (أميركي)، وقاموا بالاعتداء علي بامر من المسؤول التنسيقي لمؤتمر لاهاي (سترلينغ سكرجس)، وطلبوا مني إبراز بطاقتي الصحافية، وبعد حوار مع رجال الأمن فوجئت بأحدهم يسد الممر بينما هجم علي الثلاثة الباقون وطرحوني على الأرض، وجردوني من بطاقتي الصحافية، وتم تقييدي بالحديد، ورفعوا ساقي إلى أعلى، ووقف أحدهم على ظهري. واستمر التعذيب



الفرحة بوصول اعلان الندوة العالمية للشباب الاسلامي في جلسة للمنظمات والصحافيين.

الى جميع البعثات العربية والاسلامية والبعثات الديبلوماسية الاخرى لدى الامم المتحدة، مرفقة بإعلان الندوة العالمية للشباب الاسلامي، كما قام أحد الديبلوماسيين الخليجين بملاحقة القضية فوراً مع المسؤولين في صندوق السكان الذين ثار غضبهم فقاموا بالشكوى ضده لدى سفيره، وقام هذا المسؤول القدير بمساعدتي ومؤازرتي بشكل فعال خلال وجودي في لاهاي». ويقول: «سمعت أن قضية الاعتداء كانت على لسان الكثير من الديبلوماسيين والوفود الذين شاركوا في مؤتمر نيويورك (المنعقد الشهر الماضي) للتنمية والسكان تحت رعاية صندوق السكان» ويضيف: «أن القضية تم نقاشها في اطار اجتماع لكتلة عدم الانحياز خلال المؤتمر».

وعن آخر المستجدات في القضية، يقول الجمالي انه قام بإرسال الملف والتقارير النهائي لعضو الكونغرس الأميركي السيد سميث، كذلك التقى السيناتور ربورت بينت وعضو الكونغرس كريس كانون لمحاولة استقطاب دعمهم لهذه القضية، ومتابعة

تحقيق الشرطة الهولندية مع صندوق الأمم المتحدة للسكان وجهاز أمن الأمم المتحدة لتقصي نتائجه علماً أن التحقيق الآن هو في يد المدعي العام لمنطقة لاهاي. ويلاحظ أن الحكومة النرويجية والتي يحمل جنسيتها تدخلت بواسطة أحد اعضاء البرلمان لحل القضية، وستواصل الشرطة الهولندية التحقيق الذي ابتدأ هذا الشهر. كما ان الندوة العالمية للشباب الاسلامي تدعم القضية «للدفاع عن المظلوم وازهار الحق والتصدي للقوى الفاسقة التي تسعى للانقضاض على عقيدتنا وحياتنا الدينية والاخلاقية».

الجنسي والاجهاض من دون قيود قانونية، مما سبب سخط المسؤولين في صندوق السكان ضدّي والاعتداء علي يوم الثلاثاء، بعد ساعتين من وصولي الى مقر المؤتمر». وقفت الى جانب بشار الجمالي جهات وهيئات من بينها كما يقول: «منظمة المؤتمر الاسلامي، التي قام سفيرها الاستاذ مختار لاماني ومعاونه بالاتصال مباشرة فور حصول الاعتداء بالمسؤولين في صندوق السكان طالبين تفسيراً للحادث وتفاصيله، وأيضاً عضو الكونغرس الأميركي السيد سميث، رئيس لجنة العلاقات

الدولية وحقوق الانسان في الكونغرس الذي طلب من السفير الأميركي في لاهاي متابعة الموضوع والتحري عن اي تحقيق يجري بخصوص هذا الامر، وتم تحضير ملف تضمّن (٣٠) ملحقاً وتقريراً شاملاً بحوالى (٢٨) صفحة عن الاحداث قمت بتسليمه له».

ويضيف وقف الي جانبي ايضاً عدد من

الاساتذة والصحافيين

كشهود ومدافعين، منهم الصحافي الهولندي الدكتور بيتر دورنبوس المسؤول عن وكالة «رينيو» للانباء، وقدم شهادة مطولة لصالحه، كذلك الصحافية الأميركية بات ماك وين ومديرة تحرير مجلة «اخبار الحياة» الشهيرة، وقدمت هي الاخرى شهادة لمصلحتي، تكذب فيها ادعاءات صندوق السكان، والسيدة شارون تيرنر، التي تعمل في منظمة المجتمع الدولي للحياة وتكتب في مجلة اسمها «The GSL CHRONICLE» كتبت ثلاث صفحات كشهادة تكذب فيها صندوق السكان وتدين الاعتداء علي بشكل قوي جداً، فيما قام البروفسور ريتشارد ويلكنز، الاستاذ في القانون الدولي المشرف على اطروحتي في القانون، بإرسال رسالة احتجاج على الاعتداء مباشرة

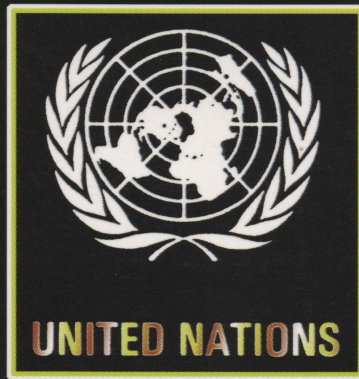
صورة للتقرير الطبي

المستقبل الإسلامي

نحو جيل جديد

لاهاي مؤتمر أم مؤامرة؟!؟

تفاصيل الاعتداء على مراسل
"المستقبل" في قلب المؤتمر



صندوق الأمم المتحدة
ومنهج الرذيلة

المستقبل تنفرد بنشر
الملفات السرية لمؤتمر لاهاي

في أمريكا . . انطلاقة الجامعة الإسلامية المفتوحة

مرفق
هدية مجانية

شهرية تصدر عن الندوة العالمية للشباب الإسلامي - العدد ٩٢ - ذو الحجة ١٤١٩ هـ / أبريل ١٩٩٩ م.

المستقبل

الأمين العام والمشرف على التحرير
د. مانع بن حماد الجهني

مجلة شهرية تصدرها الندوة العالمية

الغلاف

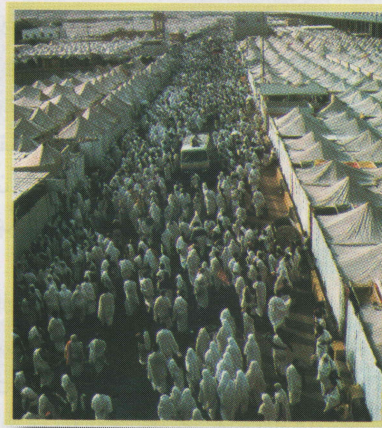
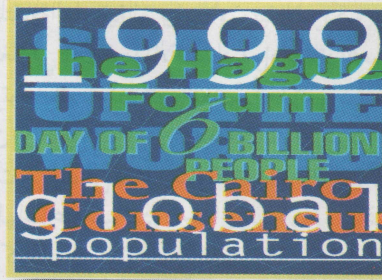
«المستقبل الإسلامي» تنفرد بنشر
التفاصيل السرية لوقائع مؤتمر الشباب
في لاهاي .
«إشاعة الإباحة الجنسية وتبني جميع
منطلقات الشواذ» .
ص ٩-٤

ملف العدد

«هل يحي المسلمون فريضة الوحدة» .
«لبيك اللهم لببك» .
«أشواق إلى البيت العتيق» .
«خطب الرسول ... وإعلان ميثاق
حقوق الإنسان» .
«المنافع الإقتصادية في الحج» .
ص ١٩-١٠

زهرة

«التليفزيون وسلوك العنف عند
الأطفال» .
ص ٣٨
«مؤتمر الرياض النسائي .. ضمن
فعاليات «الملكمة في مئة عام»» .
«مجلس أعلى لشؤون الأسرة في قطر» .
ص ٣٧



مجلة شهرية تصدرها الندوة العالمية للشباب الإسلامي

سعر النسخة

خمسة ريالات أو مايعادلها خارج المملكة

التحرير

جميع المراسلات باسم رئيس التحرير
ص ب ١٠٨٤٥ الرياض - ١١٤٤٣ شارع الأمير عبدالعزيز بن
مسعود بن جلوي المملكة العربية السعودية -
فاكس ٤٦٤١٧١٠ - تليفون ٤٦٤١٦٦٩

سكرتير التحرير

هشام بن محمد عطية

الإشراف الفني

لطفي عبداللطيف

الإشتراكات

الاشتراك السنوي ٣٠ دولاراً ترسل باسم
(المستقبل الإسلامي) على العنوان الرئيسي بالرياض
رقم حساب المجلة ٥/ ٦٦٦٢٦ شركة الراجحي
للمصرفية للاستثمار - فرع الثلاثين - العليا - الرياض

الإعلانات

يتم الاتفاق بشأنها مع إدارة التحرير

الإصدار

مكتب الندوة العالمية للشباب الإسلامي . المملكة المتحدة
46, Goodge Street,
London W1P 1FJ, UK.

الترقيم الدولي

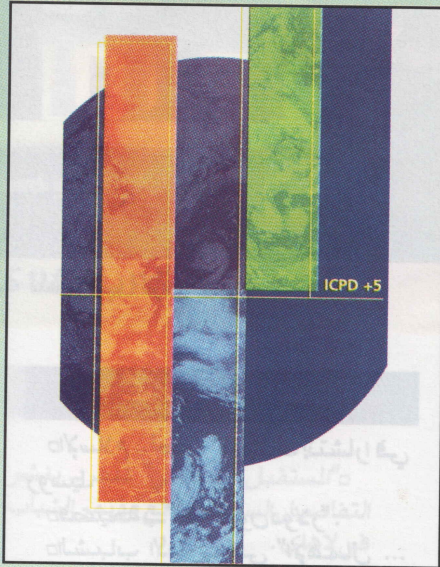
الرقم الدولي المعياري للدوريات - ردمد ٥٩١٣ - ISSN ١٣١٩

التوزيع:

الشركة الوطنية للتوزيع

الرياض / ص ب ١٠٨٤٥ رمزيدي ١٤٤٣
الدمام / ص ب ٩١٠٤ رمزيدي ٣١٤١٣ ت ٤٣٢٥١١٦

مكاتب الندوة في المملكة:



● الشعار الرئيس للمؤتمر ●

1999

The Hague

Forum

DAY OF 6 BILLION

WOMEN

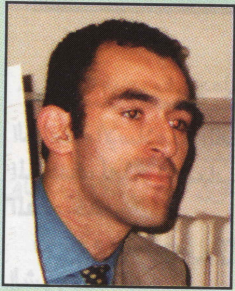
PEOPLE

The Cairo

global

Consensus

population



لاهاي :
بشار الجمالي
خاص
"المستقبل الإسلامي"

"المستقبل الإسلامي" تنفرد بنشر التفاصيل السرية لوقائع مؤتمر لاهاي الذي يعد:

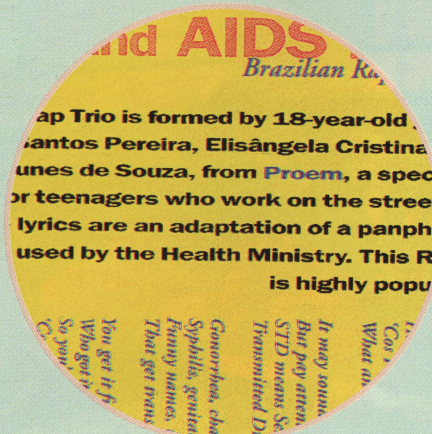
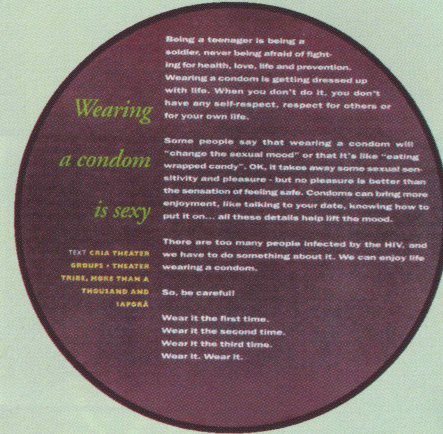
إعلان الحرب على الشباب

مؤتمر الشباب العالي في هولندا يتبنى جميع منطلقات جمعيات الشواذ

يسمى بـ "زواج الشواذ" الذي اعترفت به هولندا موطن المؤتمر قبل عام، وصار أمراً رسمياً، والدعوة لإباحة الإجهاض، واعتبار النشاط الجنسي أمراً شخصياً واستبدال مفهوم "الأسرة" بـ "التساكن بين الأنواع" أو ما يسمى بـ "الأسر" لأن مفهوم "الأسرة" تقليدي وعقيم، وتعميم ما يطلق عليه - "الجندر" GENDER بدلاً من "الذكور" وع "الذكور" الذي يدل على الذكر أو الأنثى فمصطلح "الجندر" لا يفرق بين الذكر والأنثى على الإطلاق..

لم يكن مؤتمر الشباب الدولي الذي عقد في لاهاي بهولندا، ونظمه صندوق الأمم المتحدة للسكان وشارك فيه 300 شاب وفتاة من مختلف دول العالم و 120 منظمة شبابية، إلا بمثابة إعلان حرب على الشباب وعلى القيم والعقائد السماوية، فوثيقة "إعلان الشباب" الصادرة عن المؤتمر والمقرر رفعها إلى مؤتمر التنمية والسكان في نيويورك في مارس، تبنت منطلقات جمعيات الشواذ في أوروبا: «من الدعوة للإباحة الجنسية»، وضرورة الاعتراف بممارسات الرذيلة بين الجنس الواحد، أو ما

معرض



● مطبوعات ونشرات جماعات الشواذ .. في المؤتمر ●

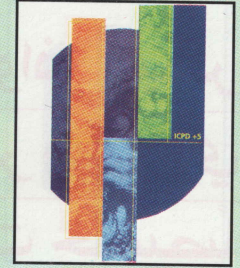
المؤتمر يؤكد على ضرورة الإباحة الجنسية والتعليم والتمارين الجنسي للجميع..

كلمة "نوع" بـ "GENDER" التي استخدمت عشرات المرات في وثيقة بكن بمعان مختلفة ومحرفة، والهدف "تحويل الإنسان إلى مسخ لاهو ذكر ولا هو أنثى" .. فقد اعتبرت وثيقة بكن "النشاط الجنسي أمراً شخصياً للمراهقين" و"لا يحق للآباء التدخل فيه" و"أن الشكل التقليدي للأسرة بات عقيماً لأنها مبنية على ذكر وأنثى" و"استحدثت وثيقة بكن "أشكالاً أخرى لـ "التساكن بين الأنواع" ودعت صراحة إلى عدم تحريم الإجهاض، وضرورة استصدار القوانين التي تحرم ذلك وتمنعه و"أن حق المرأة التصرف في جسدها واختيار الإنجاب من عدمه وتغيير القوانين التي تعارض ذلك" و"النظر إلى الشذوذ نظرة طبيعية" و حفلت المواد ٩٧ و ٢٣٢ الخاصة بـ "الحقوق الجنسية والإنجابية" بالكثير من المفاهيم والمنطلقات الشاذة وكذلك المادة ٢٧٤ التي تتحدث عن "الموارث والأنصبة".

ثم جاء مؤتمر المستوطنات البشرية في تركيا في العام الذي يليه ليؤكد على الأنماط الشاذة التي تنتهجها وثيقة بكن وتحدثت عنها على استحياء في بعض النصوص وثيقة مؤتمر السكان في القاهرة.

أما مؤتمر الشباب في لاهاي فقد حشدت له مسؤولية صندوق الأمم المتحدة للسكان د. نفيس صديقي التأييد من جمعيات الشواذ أو ما يسمى

وقد جاءت الوثائق الصادرة عن مؤتمر الشباب في لاهاي، ومؤتمر الدبلوماسيين الذي عقد بعده بأيام، تؤكد من جديد خضوع المؤتمرات التي ينظمها صندوق الأمم المتحدة للسكان الذي تترأسه د. نفيس صديقي - الباكستانية الأصل - لجماعات الشواذ في أوروبا والولايات المتحدة، ورضوخها لما يسمى بـ "مرض الخوف من الشواذ" والتي أعلنت بكل صراحة الحرب على



الأديان والقيم والتقاليد".

فمؤتمر لاهاي للشباب يعد امتداد لمقررات مؤتمر السكان الذي عقد في القاهرة، وأعلن في وقته أن توصياته غير ملزمة للدول التي لم توافق عليها، ولكنها أصبحت الوثيقة الأساسية للمؤتمر ويتبنها الآن صندوق الأمم المتحدة للسكان ومطلوب تنفيذها خلال عشرين عاماً ، وهناك توجه لأن تقوم الولايات المتحدة وفرنسا والمكسيك وهولندا وبعض الدول الأخرى بالضغط على الدول للأخذ بوثائق مؤتمر السكان والتنمية في القاهرة الذي عقد عام ١٩٩٥م، وقرارات مؤتمر السكان الذي عقد في المكسيك عام ١٩٨٤م..

ولذا كان مؤتمر السكان والتنمية قد ركز في وثيقته على محاولة إدخال تعريفات جديدة للأسرة، وما يسمى بـ "الثقافة الجنسية" و "التربية الجنسية"، فقد جاء المؤتمر العالمي الرابع للمرأة والذي عقد في بكن وحضرته ٤٠ ألف امرأة من مختلف أنحاء العالم، وجاءت وثيقته في ٢٠٠ صفحة، جاء هذا المؤتمر لي طرح بوضوح التوجه العالمي نحو تبني قضايا جديدة وتعريفات جديدة للأسرة والاستقرار الأسري..

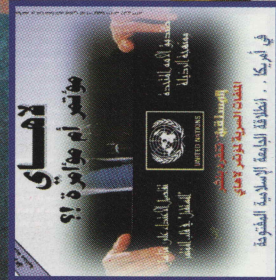
وكان مؤتمر بكن، بمثابة حلقة أخرى من حلقات متصلة ترمي إلى ابتداء نمط جديد من الحياة، يتعارض مع القيم الدينية ويحطم الحواجز الأخلاقية، والتقاليد الراسخة، واستبدل المؤتمر

لجان الشواذ في الاستقبال !!

"المجلس الهولندي للشباب والسكان" حرص على استقبال جميع الوفود المشاركة في المؤتمر، وقام بتوزيع نشرة تتضمن المعلومات العامة عن المؤتمر، النشرة بعنوان "الجنس وخيارات الشباب في هولندا" .. الهدف من ذلك إعطاء جرعة من المعلومات للشباب الذين شاركوا في المؤتمر حول قضايا الجنس "وكيفية المنع من الحمل" و "أين تتوفر هذه الوسائل" ... وحرصت النشرة على التأكيد أن جميع وسائل منع الحمل متوفرة في الصيدليات والمجلات العامة في هولندا، بل وفي النوادي والمكينات الموجودة في الميادين والشوارع...!!



● حتى ألعاب الأطفال... في صور جنس فاضح ●



جمعيات الشواذ تسيطر على المؤتمر وهيلاري كلينتون ذهبت خصيصاً

وكان السؤال الأول الذي وجه للوفود الشبابية (١٦-٢٨) التي حضرت المؤتمر "لماذا حضروا إلى لاهاي؟" وكان هذا سؤال استكشافياً لمعرفة الآراء المعارضة لتوجهات المؤتمر واستبعادها من النقاش وعدم منحها الفرصة للمعارضة..

الخوف من الشواذ

وأدخل المؤتمر، لأول مرة، مصطلحاً جديداً تحت ضغوط لوبي جمعيات الشواذ وهو "مرض الخوف من الشواذ HOMOPHOBIA الذي لم يسبق لأحد في تاريخ الأمم المتحدة استخدامه، وهو مصطلح جديد تم اختراعه من قبل الشواذ..

وقد قسم مؤتمر لاهاي إلى قسمين الأول مؤتمر الشباب والمنظمات الحكومية واستمر من ٥-٧ فبراير، ومؤتمر الدبلوماسيين الذي ترأسه سفير بنجلاديش في الأمم المتحدة في نيويورك تشاوذري، ورئيسة صندوق التنمية في الأمم المتحدة نفيس صديقي، وحضرت هيلاري كلينتون المؤتمر..

هل أنتم تصغون إلينا..!!

وقد بدأت هيلاري كلينتون كلمتها أمام مؤتمر الشباب بتساؤل لأحد الشباب

بـ "لوبي الشواذ" في العالم، بل إنها لم توجه الدعوة لأي جمعية أو هيئة تعارض منطلقات الشواذ، حتى الوفود الشبابية التي دعيت للمؤتمر من إحدى عشر دولة عربية هي مصر وسوريا وفلسطين ولبنان والأردن والبحرين وتونس والجزائر والمغرب وموريتانيا

وجيبوتي كانت وفوداً منتقاة بعناية من أصحاب التوجهات التي تؤيد منطلقات "الصندوق" التي لا تختلف تماماً عن منطلقات جمعيات الشواذ..

ولقد تحاشى مؤتمر لاهاي أي معارضة من أي جمعيات دينية: إسلامية أو نصرانية كاثوليكية، كما حدث في مؤتمر السكان بالقاهرة ومؤتمر المرأة في بكين...

الجنس.. صراحة!!

ومن أول لحظة في مؤتمر "لاهاي" والحديث يجري بصراحة على "الجنس"، فقد وزعت على جميع الحاضرين النشرات الجنسية الصادرة عن المجلس الهولندي للسكان، وهو مجلس يشكل الشواذ

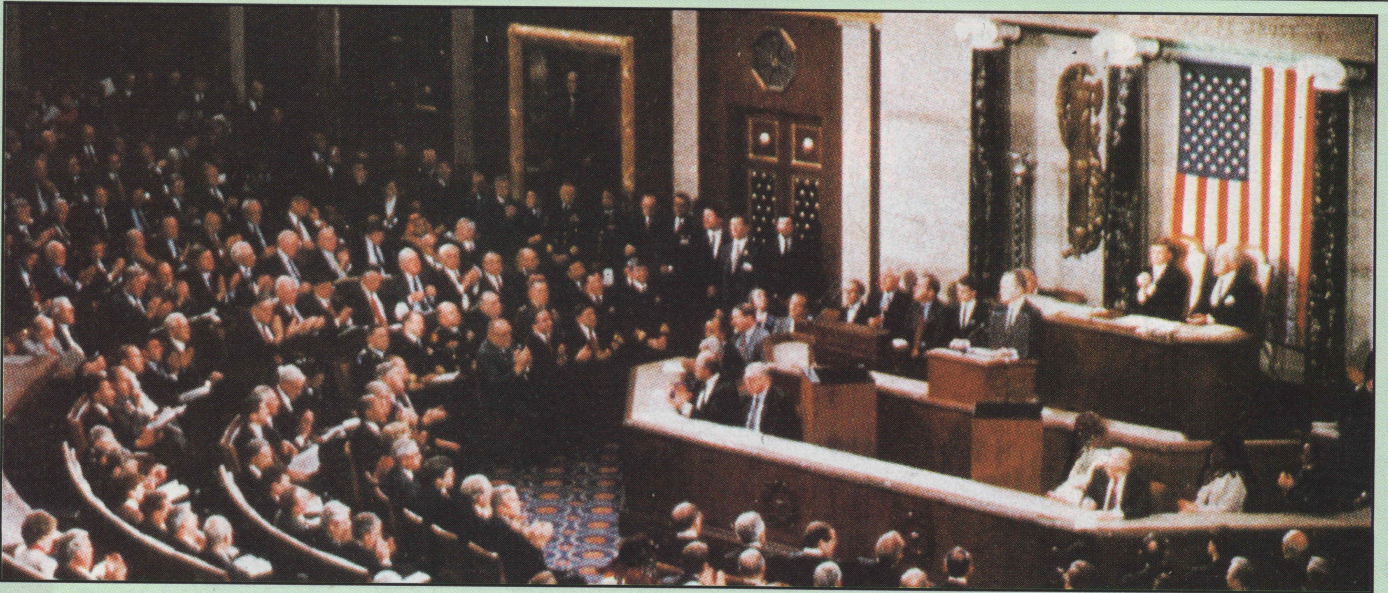
عموده الفقري، وهي بعنوان "الجنس وخيارات الشباب في هولندا" وهي تدعو إلى الممارسة الشاذة للجنس والإباحة الجنسية بين الجندر،

وتدور محاور النشرة حول "كيفية المنع من الحمل" و "الوقاية من الحمل" مع التأكيد على أن جميع وسائل منع الحمل متوفرة بسهولة في هولندا وفي كل مكان، وأكدت النشرة على منطلق "أن الشاب ليس مضطراً للرجوع إلى الأبوين واستغلالهم لممارسة الجنس، وكذلك الفتاة..

(آلات جنس)

رئيس مجمع الشباب في المؤتمر ألقى كلمة أكد فيها أننا "لسنا آلات للجنس" .. أما الدكتور نفيس صديقي فقد قالت في خطابها "إن الشباب الذي سألتنا إن كنا نصغي إليهم - أي إلى الشباب - محق في قوله، فنحن نصغي إلى الشباب" .. قالت "هيا .. تعالوا إلينا أيها الشباب، وقلوا لنا ماذا تريدون، وسنعمل على تحقيق مطالبكم وستجدون أذاننا صاغية لكم"، وقد تكون د. نفيس صديقي تخاطب جمعيات الشواذ المهمة على المؤتمر وظهر ذلك في التوصيات التي تبنتها ..

مجمع الشباب



لماذا احتفظ المسلمون عن المؤتمر بأسماء الوفود الشبابية وجعلوها «سريّة للغاية»؟!

الصحافة في صندوق الأمم المتحدة للسكان كارير شينان فقامت باصطحابي إلى أحد الممرات لمقابلة المسؤول عن الأمن في المؤتمر، وفجأة وجدت نفسي في ممر محاطاً بأربعة من رجال الأمن، وطلبوا مني إبراز هويتي الصحفية، وبعد حوار مع حراس الأمن فوجئت بأحدهم يسد الممر بينما هجم علي ثلاثة الباقون وطرحوني على الأرض، وجردوني من هويتي الصحفية، وتم تقييدي بالحديد، ورفعوا ساقيّ إلى أعلى، ووقف أحدهم على ظهري، واستمر التعذيب حتى جاءت الشرطة الهولندية ووجدتني منبطحاً على الأرض، فكفوا قيودي، وقمت بإبلاغ الشرطة وجمعية الصحفيين الهولنديين وجميع البعثات الدبلوماسية في الأمم المتحدة بالحادث، والبالغ عددها ١٨٧ بعثة وكذلك المنظمات الإسلامية . وقد فضح هذا الحادث المؤتمر ومنطلقاته وجمعيات الشواذ التي تسيطر عليه .

إعلان الحرب

وجاءت توصيات المؤتمر بمثابة إعلان حرب على الديانات السماوية وعلى القيم، فقد تبنى المؤتمر في توصياته ضرورة الإباحة الجنسية للشباب، والتعليم الجنسي الشامل وأن يكون إلزامياً في جميع المراحل التعليمية، وضرورة أن تعطى الحرية للمتعة الجنسية وتغيير المفهوم التقليدي للأسرة، والسماح بالحرية الجنسية والسلوك الجنسي غير النمطي، والتمارين على حريات التعبير الجنسي، ولم يذكر الإعلان المشبوه الصادر عن

الذين حضروا المؤتمر قائلة : لقد سألتني أحد الشباب هل حقاً أنتم تصغون إلينا " وأكدت هيلاري : نعم ... نحن نصغي إلى الشباب والوفود الشبابية، وأكدت على ضرورة كفالة الحريات الجنسية والصحة الإنجابية، وربطت ذلك بـ "التقدم" و "الإثراء" ...

شباب لا يعلمون...!!

وقد التقت "المستقبل الإسلامي" بالوفود الشبابية العربية التي ضمت ١٤ شاباً وأجرت حوارات معهم، وتبين لها: أن الأغلبية لا يعرفون شيئاً عن توصيات المؤتمر ووثائقه وتوجهاته، وقد حرص القائمون على المؤتمر أن تكون أسماء الشباب المشاركين في المؤتمر والجمعيات الفاعلة سرية، ولا يجوز الاطلاع عليها ..

وقد أكد شاب مغربي حضر المؤتمر بعد أن عرف توجهات القائمين عليه من تبني منطلقات الشواذ "أنها الحرب على الأديان والقيم" وعلل سكوته بأنه لا يفهم الإنجليزية ولا يتحدث إلا العربية والفرنسية. في حين أكدت إحدى الشابات العربيات ممن يؤيدون المؤتمر "أنني أؤيد إدخال حقوق الشواذ والمتعة الجنسية" ..

وقد قام ثلاثة من الشباب العرب المشتركين في المؤتمر بإبلاغ مسؤولية المؤتمر نفيس صديقي بوجود صحفي عربي مسلم له آراء مخالفة للمؤتمر ودلوها عليّ ..

اعتداء صارخ

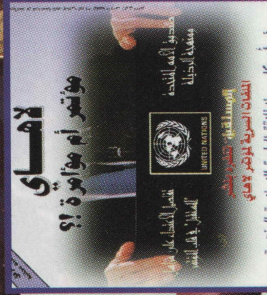
وقد دار حوار بيني وبين إحدى المسؤولات عن صندوق الأمم المتحدة للسكان حول دور الأمم المتحدة وأجهزتها، وأنها لا ينبغي أن تتبنى منطلقات الجمعيات الشاذة، وأثناء ذهابي إلى إحدى قاعات المؤتمر استوقفتني إحدى النسوة المسؤولات في المؤتمر، وطلبت منها تمكينني من حضور المؤتمر، وعلمت أنها المسؤولة العليا في مؤتمر الشباب واسمها جي ك فان كاين، ولكنها حاولت منعي من الحضور، فقدمت شكوى ضدها للمسؤولة عن

الندوة العالمية ودورها..

ولقد اهتمت الندوة العالمية للشباب الإسلامي بما حدث في المؤتمر وفعالياته وتوصياته، وكانت الجهة الإسلامية الوحيدة التي نددت بالمؤتمر في بيان لها، ودعت المفكرين والكتاب والإعلاميين وجميع المؤسسات الدعوية وحكومات الدول الإسلامية للتصدي لهذه الأفكار الشاذة ومحاربتها وتحصين الشباب من أخطارها.



● مراسل «المستقبل الإسلامي».. محاصر من رجال الأمن من كل جانب.. وبعدها الضرب والتككيل.. وكرهه في قلب المؤتمر



١٤ شابا منتقون من ١١ دولة عربية في المؤتمر، ولا يعرفون شيئا عن منطلقاته !!

توصيات.. ملزمة..

بـ "الضغوط الدولية" !!

الوثائق الصادرة عن المؤتمرات المشبوهة التي عقدتها الأمم المتحدة سواء مؤتمر السكان في القاهرة أو مؤتمر المرأة العالمي الرابع في بكين، أو مؤتمر لاهاي، تحفظ عليها كثير من الدول لما فيها من مصادمة للقيم والعقائد الدينية، ولكن هناك توجه الآن تقوده الدول الكبرى المؤثرة في صناعة القرار الدولي، وتحت تأثير

جماعات الضغط التي تتبنى تعميم الانحراف الجنسي، إلى تنفيذ هذه التوصيات، وجعل وثائق هذه المؤتمرات "الأساس" في التعامل، بل وأن تكون ملزمة لجميع الدول التي وافقت على حضورها، ومن ثم يجب أن تنفذ توصياتها، وهناك ورش عمل ولجان لمتابعة تنفيذ توصيات هذه المؤتمرات، وتقديم تقارير إلى صندوق الأمم المتحدة للسكان حول جدية التنفيذ..

وقد تستخدم الدول الكبرى "سلاح" المعونات من "منح" و "قروض" وتسهيلات للضغط على هذه الدول لتنفيذ هذه التوصيات..

المؤتمر في وثيقته "الآباء" إلا مرة واحدة في إطار ما يسمى بـ "واجب الآباء" بأن مهمتهم "العمل على تحقيق مطالب الشباب" و "أن مطالب الشباب فوق كل اعتبار"..

وجميع توصيات المؤتمر من هذا النوع من المنطلقات الشاذة والمصادمة للأديان والقيم.. فالمؤتمر في مجمله بفعالياته وتوصياته ووثائقه هو إعلان حرب على الشباب المسلم.

هولندا..

"عقم" و "شواذ" و "تفكك" !!

تعتبر هولندا، البلد الذي استضاف المؤتمر المشبوه، من أكثر الدول الأوروبية انخفاضا في معدلات الإنجاب، فقد انخفض معدل الإنجاب إلى ١,٦٪ وهو ما يؤدي عمليا إلى خلق مشكلة الشيخوخة، ومواجهة متطلبات كبار السن..

أما الأسرة الهولندية، فقد أصابها التمزق، فأكثر الشباب يعيشون بدون زواج، وتصل نسبة الطلاق إلى أكثر من ٥٠٪، كذلك ارتفعت نسبة الأطفال غير الشرعيين، بل يكادون يمثلون أغلبية الأطفال الهولنديين، وفي لاهاي حركة نشطة لجمعيات الشواذ، وهناك إجراءات قانونية، تتم حاليا لإعطاء الشواذ حقوق تبني الأطفال..

ويسمح في هولندا للفرد بتغيير جنسه وفق ما يريده، والقانون يكفل له ذلك بكل حرية.. وقد تكون هذه الأسباب هي التي دفعت صندوق الأمم المتحدة لاختيار هولندا لعقد هذا المؤتمر..

وتجاهل إعلامي !!

لم تكن المقررات والتوصيات والوثائق الصادرة عن مؤتمر لاهاي، أقل خطورة من المقررات والتوصيات والوثائق الصادرة عن مؤتمر السكان في القاهرة، ومؤتمر المرأة في بكين، ولكن للأسف لم تتعرض وسائل الإعلام العربية والإسلامية لهذا المؤتمر وفعالياته، علما بأن وفودا شبابية من عدة دول عربية وإسلامية - تم انتقاؤها بعناية - شاركت في هذا المؤتمر..



موقفنا من المؤتمر

Gates donates billions to population; delegates at N Youth Forums appla



BY JACK FREEMAN
Largest charitable gift in history
What is the charitable world's largest gift? It is the \$5 billion donation by Microsoft's Bill and Melinda Gates to support projects worldwide. The gift, in Microsoft's endowment of the William H. Gates Foundation, addition to its support of populations including the Partners in Population and Health (South) and the International AIDS Vaccine Initiative. The William H. Gates Foundation also provides...
Forums open 'partnership'
BY VIKI SANCHEZ
In a whirlwind of activity, nongovernmental organizations from all over the world...

● الليادير بيل غيت... والتبرعات بالملايين للمؤتمر

المجتمع الهولندي، ومن ثم فإن لهذه الجماعات الحضور الكبير على الساحة الهولندية.. ولذلك كان حادث الاعتداء على مراسل "المستقبل الإسلامي" عندما حاول أن يسجل اعتراضه على توصيات المؤتمر التي تبنت صراحة منطلقات ومفاهيم جمعيات الشواذ.... وهذا عكس ما حدث في مؤتمر السكان بالقاهرة، حيث سمح للمنظمات والجمعيات الإسلامية التطوعية والأهلية والمؤسسات الدعوية بالحضور والمشاركة والضغط لتعديل وثائق المؤتمر، والتحفظ بشدة على ما حاول القائمون على المؤتمر تمريره من توصيات، بل وسجلت ٢٢ دولة اعتراضاتها الصريحة على وثائق المؤتمر..

وكذلك في بكين، حيث عقد المؤتمر الدولي الرابع للمرأة، سجلت المنظمات النسائية والإسلامية حضوراً فعالاً في المؤتمر، وفندت وثيقة المؤتمر التي جاءت في ٢٠٠ صفحة، وسجلت الوفود الرسمية العربية اعتراضاتها على ما جاء في الوثيقة.. وأبرز التحفظات جاءت من الوفد الرسمي الإماراتي في مؤتمر بكين، الذي رفض ما تضمنته الوثيقة الختامية من مخالفة للشريعة الإسلامية والقيم والأخلاق والتقاليد السائدة.. وجاءت كلمة رئيس الوفد الإماراتي بعد إعلان الوثيقة الختامية لمؤتمر المرأة لتسجل تحفظ الإمارات الرسمي على الوثيقة وخاصة على المادتين ٩٧ و ٢٣٢ اللتين تدعوان لما يسمى بـ "الحقوق الجنسية والإنجابية للمرأة" والمادة ٢٧٤ (د) التي تتحدث عن "الأنصبة والميراث" والمادة ١٠٧ التي تبيح الإجهاض..

الندوة العالمية لم تدع للمؤتمر

رغم أن الندوة العالمية للشباب الإسلامي عضو مراقب في المنظمات الشبابية الدولية بالأمم المتحدة، إلا أنها لم تدع إلى هذا المؤتمر، وهذا ما يؤكد انتقاء القائمين على المؤتمر للمنظمات المشاركة فيه، واستبعاد المنظمات الأخرى.. وقد أصدرت الندوة العالمية بياناً حول مؤتمر لاهاي نددت فيه بما حدث فيه. وبالتوصيات الشاذة التي أصدرها، وأكد الدكتور مانع بن حماد الجهني الأمين العام للندوة أن المؤتمر يعتبر أحد فصول الحرب التي تتابع يوماً بعد يوم على الأخلاق الفاضلة والقيم السوية. □

موقف حاسم لوفد المملكة من المصطلح "الجنسدر"... والتعريف الغامض

"الجنسدر" GENDER من المصطلحات التي حاول القائمون على مؤتمر السكان في القاهرة، ومؤتمر المرأة في بكين إدخالها إلى القاموس اللغوي، ولكن بتعريفات مختلفة، وقد ظهر هذا المصطلح، ولأول مرة، في وثائق الأمم المتحدة عام ١٩٩٣م، ولكن صاحب استخدام المصطلح خلاف كبير بين وفود الدول المختلفة، وفي مؤتمر بكين تحفظت وفود الدول العربية والإسلامية على المصطلح، فالوفود الأوروبية والأمريكية أرادت فرض معنى محدد "للجنسدر" رفضته الدول العربية والإسلامية.. وبسبب الخلافات الشديدة بين الوفود على التعريف تم الاتفاق على أن يترك تحديد معناه بالدقة لمحكمة روما الجنائية.. وقد عقدت المحكمة سلسلة من الجلسات، واستمعت إلى الأطروحات المختلفة لكل الوفود، وقد وقفت الوفود العربية والإسلامية بقوة وحسم، وكان لوفد المملكة العربية السعودية دور بارز، إذ طالب بضرورة أن يعرف المصطلح "بالذكر والأنثى" ولا يكون غامضاً، وأن توضع نقطة في نهاية التعريف حتى لا تترك ثغرة لإضافة أشياء أخرى تحرف التعريف..

التفاصيل الكاملة للاعتداء على مراسل "المستقبل الإسلامي" في قلب المؤتمر

جمعيات الشواذ تسود.. ولماذا هولندا؟

مراسل "المستقبل الإسلامي" في أوروبا الزميل بشار الجمالي أجاب على هذا السؤال بقوله: هولندا من أكثر البلدان الأوروبية التي تعاني من التفكير الأسري، وتعطي مساحات واسعة لجمعيات الشواذ، وتعطيهم الغطاء القانوني، بل إن الشواذ استطاعوا الحصول على مساحات واسعة للتحرك في

وفود شبابية عربية منتقاة..

ومن الوفود الشبابية التي تم انتقاؤها لحضور المؤتمر، وفود من مصر وفلسطين وسوريا والأردن والبحرين واليمن وجيبوتي والجزائر وتونس وموريتانيا.. وتراوح أعمار الشباب العربي المسلم الذين شاركوا في هذا المؤتمر في وفود الدول العربية ما بين ١٦-٢٦ سنة، والكثير من هؤلاء جاؤوا المؤتمر ولا يعرفون عن جدول أعماله شيئاً ولا يعلمون حقيقة الجهات المسؤولة عن تنظيمه ولا يعرفون لوبي الشواذ الذي أعد وثائق المؤتمر.. وحرص القائمون على المؤتمر على دعوة الجمعيات النسائية المدعومة من صندوق الأمم المتحدة للسكان لحضور المؤتمر، وهي الجمعيات التي تبني دعوة تحديد النسل أو ما يسمى بـ "تنظيم الأسرة" وتدعمها الدول الكبرى فنشترط في معوناتنا التي تقدمها للدول في العالم العربي والإسلامي على تخصيص الجزء الأكبر من هذه المعونات لهذه الجمعيات، لدرجة أن وسائل منع الحمل من "حبوب" و "لولب" وغيره توزع مجاناً في مراكز تنظيم الأسرة في بعض الدول الإسلامية..



حدث في غزة يوم الديمقراطية
ابن باز: تنكيس الأعلام بدعة

AL-MUJTAMA'A

المجتمع

مجلة المسلمين في أنحاء العالم

خالد ٨٠١٢٧٨٥٨٩٢ جلد

داخل العدد:
نتيجة مسابقة
رمضان

المؤتمرات السرية للأمم المتحدة

سلسلة مؤتمرات جديدة
لإقرار الوثائق المرفوضة
عن الأسرة والمرأة

لا يعرفون شيئا
عن الإسلام..
واجبنا نحوهم



الكويت: ٥٠٠ فلس - السعودية: ٦ ريالات - البحرين: ٦٠٠ فلس - قطر: ٦ ريالات - الإمارات: ٦ دراهم - سلطنة عمان: ٧٠٠ بيضة - الأردن: ٧٠٠ فلس - السودان: ٢٥ جنيها - اليمن: ٣٠ ريال - لبنان: ٣٠٠٠ ليرة - المغرب: ١٢ درهما.

Australia AUD 4 - Belgium BF 100 - Canada CAD 4 - France FF 15 - Germany DM 3 - India INR 50 - Italy Lire 5000 - Netherlands Hfl 10 - Pakistan PRS 55 - Singapore SS 5 - Switzerland CHF 7 - Turkey TL 450000 - UK £ 2 - USA \$ 3

- معاملة الصحة الإنجابية على أنه حق من حقوق الإنسان.

- مطالبة الحكومات بدعم وسائل منع الحمل للشباب والشابات المراهقين غير المتزوجين والشواذ.

- مطالبة الحكومات بصرف العقاقير الطبية في المدارس والمناطق النائية من خلال العيادات الطبية.

- مطالبة الحكومات بعرض كل ما يخص الصحة الإنجابية على الشباب والفتيات في المدارس.

- مطالبة الحكومات بإدخال الصحة الإنجابية في المقررات الدراسية وتدرسيها في الفصول اليومية لتكون المرجع الأساسي لدول العالم!! وهذا يواكب خطة «العلم للجميع».

- تقديم المسوحات للمدرسين في المدارس لإقناعهم والأهالي والأطباء بالسياسة الجديدة.

- مطالبة الحكومات بتوعية الشباب بمعنى الإجهاض الآمن، والمراهقات ذوات الحمل المبكر «غير الشرعي» بمعنى الأمومة الآمنة.

- المطالبة بنشر مراكز المعلومات بين الشباب والشابات في المدارس والمجتمعات والقرى لتنفيذ البرامج.

- مطالبة الحكومات بتوفير وسائل منع الحمل في الماكينات بالشوارع.

- مطالبة الحكومات بالتعاون مع المنظمات الأهلية على نطاق واسع لتلبية حاجات الشباب.

- مطالبة الحكومات برعاية المفتصات وتقديم الخدمات لهن بما في ذلك الزوجات اللاتي اغتصبهن أزواجهن!!

- مطالبة الحكومات برعاية المهضات دون ضوابط قانونية أو تحفظات أخلاقية.

استراتيجيات جديدة لتنفيذ برامج العمل

حتى يكون التنفيذ محكماً، كان لابد من ابتكار أساليب جديدة تتسم بالدهاء، منها تغيير أساليب التداخل عبر التفغل بين الشباب أنفسهم على المستويين الفردي والجماعي، واستهداف الشباب بوسائل منع الحمل منعاً لإجراج المراهقات، ويدعي الصندوق أن سبب امتناع الشباب عن الحصول على الخدمات هو الخوف من الأهالي، فلذلك لابد من توصيل الخدمات بالاستفراد بهؤلاء الفتية دون علم الأهالي ورغماً عنهم، ولابد من تمرين المراهقات على الاستمرار في الدراسة رغم الحمل، (فبالله أي قدوة تعطي هؤلاء لزميلاتهن؟) ومن الأساليب المبتكرة اصطيات الشباب في النوادي والمخيمات وخاصة الصيفية منها، كما أعلن الصندوق عن اشتراك آلاف الشباب من ١١٢ دولة في مسابقة إنشائية عالمية عبروا فيها عن طلباتهم ولوحظ التناقض في إعلانات الصندوق، حيث فضل الشباب الحصول على معلومات التوعية بالصحة الإنجابية من قبل أهاليهم، ثم تغيرت الإعلانات إلى مطالبة الصندوق نفسه بعمل حملات التوعية، وأضاف الصندوق ابتكار حملات جديدة من شأنها تنشيط أمور الصحة الإنجابية لتصبح «مألوفة» Youth friendly services وذلك لتوزيع وسائل منع الحمل بين الشباب، ثم ترويج سياسة



شعار مؤتمر بكين

جسر الحياة.. اليوم الواحد.. منتدى الشباب.. سفراء الشباب.. منظمات سرية نسجت المؤامرة

على نفسه إفساد المجتمعات المحافظة ونشر الفوضى القيمية والفكرية بأسلوب لا يمكن أن يسمى إلا دكتاتورياً. وإن اتبع أساليب الخداع والتمويه والتشدد بإجراء الحوار المقنع.

أهداف خطة العمل باجندة الشباب للسكان والمرأة في دورة الحكومات بنيويورك:

- إعطاء الشذوذ صفة شرعية باعتباره حقاً من حقوق الإنسان وقبول زواج الجنس الواحد.

ولا يمكن تفويت ما شاهده الحاضرون من عجائب في مؤتمر هولندا وسمي (القاهرة 0+) أي (ما بعد السكان) بخمس سنوات، الذي لم يختلف أسلوب إدارة جلساته عن مؤتمرات المرأة والصحة الإنجابية، فالخداع والتمويه ورفع العصا الغليظة في وجه المعارضين أو من يحاول إقناع الوفود برأي مخالف وانتقاء شباب الشذوذ المتبجح لفرض رأيه باسم منظمة تدعي الديمقراطية واستخدام الحوار البناء واحترام الرأي الآخر، وأخيراً الضرب المبرح من قبل موظفين يرتدون الزي الرسمي للأمم المتحدة (انظر مقال: د. فهمي هويدي في جريدة الشرق الأوسط بتاريخ ١٥/٢/١٩٩٩م).

هل شباب العالم شباب أمريكي؟

انتشر الشذوذ بشكل صارخ في المجتمع الأمريكي لدرجة أن تعقد له المؤتمرات علناً في ساحات الجامعات مؤيداً ببرامج «دراسات المرأة» في كل جامعة، ويتباهى الشواذ ومؤيديهم بالخروج من القوقعة التي طالما سجنتمهم، وقبول هذا التوجه بالاستئثار من الجماعات النصرانية التي رفضت فكرة زواج المثليين Same sex marriages. كما لا يخفى على أحد انتشار الملايين من حالات حمل المراهقات دون زواج شرعي، ثم الإجهاض وما يعقبهما من أمراض تناسلية ومرض فقدان المناعة «الإيدز»، ومع تسليمنا أن المجتمعات العلمانية تحل مشكلاتها بأسلوب يزيد من تفاقم هذه المشكلات برغم محاولة احتوائها، فليس لها فرض أسلوبها هذا على مجتمعات إسلامية وعربية طاهرة، مازالت قيمها ومبادئها تمنعها من الإقدام على أي عمل يخل بالفضيلة أو المجاهرة العلنية بالمعاصي ولا تقضى فيها الطاعون كما حدث في المجتمع الأمريكي وغيره من الدول الأوروبية، ولا نظن أن تسمح الحكومات المشتركة في دورة نيويورك هذا الأسبوع بأن تفرض القوالب والنماذج الغربية على مجتمعاتها بصورة أوتوماتيكية لا تميز فيها، اللهم إلا إذا كان المشتركون لا دراية لهم بأن المخطط العلماني النسوي المؤيد للشذوذ والإباحية قد ألى

الضرب والإرهاب لمن يحاول فهم ما يدور

في مقاله المنشور بالشرق الأوسط (٩٩/٢/١٥) والذي تحدث فيه عن غرائب مؤتمر هولندا الخاص بالشباب سلط الكاتب الإسلامي فهمي هويدي الضوء على واحدة من أغرب ما جرى في هذا المؤتمر وهي استخدام الضرب والإرهاب ضد من يحاول أن يفهم ما يدور في هذا المؤتمر. يقول: «لكن أغرب ما جرى أن شاباً سورياً اسمه بشار جمالي يدرس الدكتوراه في القانون بالولايات المتحدة، ويعمل في الوقت ذاته مراسلاً لإحدى المجلات السورية، كان بمقدوره أن يقرأ الإعلان جيداً ولا حظ خطورة ما جاء فيه، ومن ثم بذل جهداً لاستطلاع آراء المشاركين في محقواه، ولأن منظمي المؤتمر كانت أعينهم مفتوحة جيداً، فإنهم حذروه من استطلاع آراء الوفود، وحين لم يستجب لهم طرده من الفندق الذي يقيمون فيه، في منتصف الليل، ودرجة البرودة تحت الصفر في لاهاي، ويبدو أن الشاب لم يكف عن الاتصال بالوفود ومناقشتهم، الأمر الذي أثار حفيظة فريق الدكتوراة نفيس، وقد ظلت واحدة منه تراقبه وتلاحقه حيثما أتجه، وعندما ذهب شاكياً إلى إحدى المسؤولات عن تنظيم المؤتمر، فإنها طالبت بأن يتبعها للتحقيق في الأمر، وإذ أحسن الشاب الظن وذهب وراءها، فإنه وجد نفسه قد دخل غرفة، انقض عليه فيها أربعة من حراس الأمم المتحدة نوي الملابس الزرقاء، وأشبعوه ضرباً مبرحاً لمدة ربع ساعة، تعالت خلالها صيحات الباحث السوري، وتم ذلك أمام اثنتين من أعضاء فريق الدكتوراة نفيس، ويعد أن ضربوه انتزعوا منه البطاقة الصحفية التي يحملها، وتركوه ليحمل شكواه إلى الشرطة الهولندية، التي أثبتت أقواله ولم يعرف بالضبط الإجراء الذي ستتخذه».